287

1153

396

7 Proceedings
for July 1860



J. A.

Monday,
2nd July, 1860.

At a Court of the Jangdarry Adawlat.

Present.

J. L. Strange Esquire
H. Trant Esquire
G. T. Beauchamp Esquire (Offg.)
} Puisne Judges.

Read Calendar of Cases
No. 46 of 1860 on the file of the Sessions
Court of Chittoor.

/Here enter J. A. No. 1051 of 1860./

As herein recommended, the Court of Jangdarry Adawlat resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner Masalicha Beebee. for (6) Six months. for the period specified in the margin, in mitigation of the sentence passed upon her in the said case.

Read Miscellaneous Petition presented on the 9th May 1860, by J. B. Maguire Esquire, Pleader

on behalf of Syyadpa Nayuda and 3 others of Zillah Nellore.

/Here enter F. Mo. P. No. 161 of 1860./

1. The petitioners appeal against an order passed by the Sessions Judge on the 14th November 1859, in reversal of the one issued by the Assistant Magistrate fining their opponents. Messrs. Freer and Brandram

2. The Court consider that the Magistrate was perfectly justified in fining the Defendants for tumultuously opposing the complainants in the exercise of a right which by their own act they had conceded, and that the Magistrate's order should not have been disturbed. They consequently set aside the order of the Acting Sessions Judge now appealed from.

Read again Miscellaneous Petitions presented on the 8th March last, by J. W. Brandram Esqre, Pleader

on



on behalf of prisoners in Cases Nos. 26. 27 and 28 of 1859 on the file of the Sessions Court of Madura.

/Here enter F. Mo. P. Nos. 93. 94 and 95 of 1860./

Read also return dated 12th April last, from the Sessions Judge of Madura, to the precept of the Foujdarry Adawlut under date the 12th idem, calling upon him to explain whether the depositions in Calendar Nos. 26. 27. and 28 of 1859 on which the Perjury was assigned, were put in and proved on the trial of the said cases.

/Here enter F. A. No. 661 of 1860/

Read also return dated 22d Ultimo, from the Sessions Judge of Madura, to the precept of the Foujdarry Adawlut under date the 13th idem, directing submission of the depositions given by the 4th, 5th and 6th witnesses

on

in Calendar Nos 26. 27 and 28 as witnesses for defence in No 16 of 1859.

/Here enter T. A. No 1038 of 1860./

1. It has been urged that the depositions on which the Perjuries were assigned were not proved at the trial.

Mssrs Fore and Beauchamps.

2. This appears to have been the case; but the depositions were given in the Sessions Court and before the same officers (Sessions Judge and Moofty) who conducted these trials and were on the records of the cases as sent up from the Subordinate Court; and finding that in a case reported at Page 22 of the 3rd Volume of the Nizamut Adawlut Reports a similar informality in a case in which there a Perjury was committed before a Magistrate was held insufficient to vitiate the conviction of the prisoner, the Court have no hesitation in overruling this objection.

3. It has been further objected that these depositions given in the trial of the 1st witness for Robbery in Case No 16 out of which these cases have sprung, were read to the witnesses who gave them on their examinations in chief and incorporated with the record.

4. The Court consider this an irregularity that makes it necessary to strike the depositions out of the record.

5. The other objections taken are that the Sessions Judge has adverted in his judgment to facts not before him and has allowed acts of the Prisoner in No 26 to prejudice the Prisoner in No 27 and vice versâ; but setting these altogether aside, the evidence has led the Court to the conclusion that the prisoners did not, as they deposed, seize the party they

referred

referred to and did not carry him before the village officer, but that the charge preferred against that party (now 1st witness) was false and concocted by the Prisoner in Case No. 29 to punish him for having resisted an illegal demand and been impertinent; and the Court confirm the conviction of all the prisoners.

Read again Miscellaneous Petition presented on the 11th February 1860, by Mookteyar Vakeel on behalf of Rangasawmi Iyaundeu, Prisoner in Case No. 63 of 1859 on the Calendar of the Sessions Court of Coimbatore, appealing from the sentence passed against him by the Sessions Judge in the above case.

/Here enter F. M. P. No. 24 of 1860./

Read also return from the Sessions Judge of Coimbatore, to the



the precept of the Faujdary Adawlut dated the 16th April last, calling for a translation of the record in the above case, and directing the suspension of the sentence passed against the prisoner.

/Here enter F. A. No. 798 of 1860./

Messrs. Frere and Beaudamp.

The prisoner in this case has been convicted of Perjury, in having, in the year 1858, deposed as a witness before the Court of the District Moonsiff, that he was not aware whether one Pullanjaye, sister's son of the Defendant in the case then before the Court, possessed property, or whether it was sold; and in having in the following year, and in another case, deposed in contradiction of the above statement, that he had attested a deed of sale between other parties, relating to a portion of the houses; the

house

house in question being described in this deed of sale as the property of the above Pullanayaye, who died some time before. It is to be observed that in his second deposition the prisoner did not affirm that the house was the property of Pullanayaye, but that one of the parties then present told him it was such.

2. Independent of the question whether an indictment for perjury can properly be founded on two depositions given in different cases, and at so long an interval, it is clear that the above statements involve no such direct and positive contradiction as can justify the conviction.

3. The Court of Foujdary Adawlat resolve therefore to annul the conviction, and direct the release of the prisoner.

Precept returnable within 10 days from

2nd July 1860.

from and after its receipt.

The following Foujdary Miscellaneous Petitions are rejected Viz.

Nos. 140 and 176 of 1860.

Ex. Dale

Jno. Hitchman

F. A.

Tuesday.
3rd July 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire ——
H. Freré Esquire ——
G. T. Beauchamp Esqre (Offg) } Sessions Judges.

Read Calendar of Case
No 18 of 1860 on the file of the Sessions
Court of Combaconum.

(Here enter F. A. No 1059 of 1860.)

The Acting Sessions Judge
is, under the provisions of the law
quoted by him in the sentence, com-
petent to adjudge such punishment
as may appear adequate to the
Prisoner's guilt, not exceeding seven
years' imprisonment &c., and
the sanction of the Foujdarry
Adawlat now applied for is not
requisite.

Read letter dated 6th
June 1860, from the Officiating Sessions
Judge

Judge of Mangalore, submitting for the final judgments of the Foujdarry Adawlat, the record of Case No. 23 of 1860 on the Calendar of the Sessions Court.

(Here enter F. A. No. 979 of 1860)

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

1st Billa Hartan,

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

Messrs Stanger and Frere

"Murder"

The Court of Foujdarry Adawlat on a deliberate consideration of all the circumstances of this case in evidence before them, being



being of opinion that the proof against the prisoner,

2nd Ambadi,

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

"Murder"

Jno. Wilkins.

£42 £7

T. A.

Wednesday 4th July 1860

At a Court of the Toujdarry Adawlut.

Present.

J. L. Strange Esquire —
H. Sconce Esquire — } Puisne Judges.
G. T. Beauchamp Esqr (Offg) —

Read Calendar of Cases No 27 of 1860 on the file of the Sessions Court of Nundiah.

(Here enter T. A. No 1060 of 1860)

As herein recommended, the Court of Toujdarry Adawlat resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the Prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

Bhimadas (7) Seven years.

Read letter under date the 22d Ultimo, from the Agent to the Governor in Ganjam, recommending the Prisoner in Case No 8 of 1860

1860, to 14 years imprisonment.

/Here enter S. A. No 1065 of 1860/

The Agent has convicted the Prisoner of express Murder, and the case must consequently be referred in usual course to the Foujdarry Adawlut.

Read letter dated 31st May 1860, from the Officiating Sessions Judge of Mangalore, submitting for the final judgment of the Foujdarry Adawlut, the record of Case No 24 of 1860 on the Calendar of the Sessions Court.

/Here enter S. A. No 945 of 1860/

The Court of Foujdarry 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,

Pakku Hanta,

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



him thereof; and under the provisions of Section X, Regulation XVIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

Mess^rs Strange and Beauchamp

"Murder."

The following Foujdarry Miscellaneous Petitions are rejected, Viz^t: No^s 178. 181 and 182 of 1860.

Jno Littlers

Esq^r Sec^y

T. A.

Thursday 5th July 1860

At a Court of the Toungdaung Adawlat.

Present.

J. C. Strange Esquire
H. Fraser Esquire
} Puisne Judges.
G. T. Brandreth Esquire (Offg)

Read Criminal Report B, submitted by the Acting Sessions Judge of Salem for the month of May 1860.

/Here enter T. A. No 1028 of 1860./

No 4 "Breach of Contract". By the Joint Magistrate.

1. The Acting Sessions Judge is requested to report whether the Joint Magistrate ordered the Prisoners to repay the advance, or to perform their contract, and ascertained that they failed to do so, before passing the sentence recorded.

No 5 do — do —

2. This sentence is illegal and is reversed.

No 5 and 6 "Breach of Contract". By the Acting Head Assistant Magistrate.

3. The Acting Sessions Judge is requested to review and report on these cases.

The

5th July 1860.

4. The charge need not have been stated in full.

5. It does not appear why this case was treated under Section VII Regulation X of 1816.

6. The 2d Sessions Judge is required to review and report on this case.

7. The grounds of the sentence need not be entered in the B. Reports. It is presumed this has been already done in the A. Reports.

Read again Calendar of Cases Nos 8 and 9 of 1860 on the file of the Sessions Court of Honore.

/Here enter F. A. No 809 of 1860./

Read also return dated 28th May 1860, from the Sessions Judge of Honore to the precept of the Foujdarry Adawlat under date the 17th May last, calling for a full explanation of the circumstances referred to in paras 25 and 26 of the above cases, especially as regards the trial

of

No 7. "Highway Robbery".
By the Acting Head Assistant Magistrate.

No 9. "Affray and resistance to authority".
By — do — do.

No 10. "False Complaint".
By — do — do

5th July 1860.

of the prisoner on the 2d Count in No 8 &c.

/Here enter F. A. No 932 of 1860./

The Court of Foujdarry Adawlat resolve to call upon the Sessions Judge to state how the cases came before the Deputy Magistrate in the first instance—whether by order of the officer presiding in the Civil Court, and if so, who that officer was.

Precept returnable within III days from and after its receipt.

Entd HH

No within

J. A.

Friday
6th July 1860.

At a Court of the Foujdarry Adawlut.

Present

J. Lo. Strange Esquire
H. Frere Esquire — Puisne Judges
& J. Beauchamp Esqre (Offg)

Read Calendar of Case
No 31 of 1860 on the file of the Sessions
Court of Salem.

(Here enter J. A. No 1077 of 1860.)

In this case a violent
attempt at committing a robbery
on a sheep pen was made by
a gang of about 10 persons. The
1st and 2d witnesses were beaten,
but seized the Prisoner, one of the
gang. The Sessions Judge recom-
mends that the sentence should
be reduced to 18 months and 50
lashes; but he states no reasons
whatever to justify so lenient
a sentence. The Court of Foujdarry

Adawlat

6th July 1860.

Adawlat authorize hime to pass a
mitigated sentence of five year's rigorous
imprisonment with hard labor in irons.

Read letter dated 30th
June 1860, from the Sessions Judge of
Chittoor, submitting for the final
judgment of this Foujdarry Adawlat
the record of case No. 29 of 1860 on
the Calendar of the Sessions Court.

/Herewith T. A. No. 1070 of 1860./

The Court of Foujdarry Adawlat, 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 Munee Reddi,

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

And

Messrs Strange and Freer.

Murder

6th July 1860.

And being of opinion that the prisoner,

2d Galla Gungadu.

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

Jno. Littler

Ex Dall.

S. A.

Monday,
9th July 1860.

Hon. Court of the Sessions Adawlut.

Present.

J. G. Strange Esquire
H. Irvine Esquire
} Puisne Judges.
G. T. Beauchamp Esqre (Offg)

Read letter dated 28th June 1860, from the Sessions Judge of Madura, submitting for the final judgment of the Sessions Adawlut, the record of Case No. 8 of 1860 on the Calendar of the Sessions Court. (Vide under S. A. No 1074 of 1860.)

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

Mesrs. Strange and Beauchamp.

2d Veeraragava Reddi
and
3d Thumbu Reddi,

is sufficient to convict them of the

7th July 1860.

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

The Court of Foujdarry Adawlat on a deliberate consideration of all the circumstances of the case and evidence before them, being of opinion that the proof against the prisoners, Mess^rs Strange and Beauchamp.

1st Alagiré son of Subbien
2d Pariyan and
3d Guruvian,

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

H^y. Strikins.

E^d. E^d.

F. A.

Tuesday, 10th July 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire
H. Frere Esquire — Puisne Judges.
G. J. Beauchamp Esq^re (Offg.)

Read letter dated 28th June 1860, from the Subordinate Judge of Salem, requesting certain explanation regarding the construction of the Notification in Fort Saint George Gazette with reference to Act XIII of 1859.

[Here enter No. 1067 of 1860]

It is clear that the prosecution is to be before the Subordinate Judge where the cause matter arises at his station, he being present. Where however the fulfilment of the contract is by specific agreement to be made elsewhere, the prosecution would

on the Calendar of the Sessions Court.

11th July 1860.

/ Mercantile Nos. 1099 & 1100 of 1860 /

The Court of Foujdary Adawlat — Messrs. H. Trevor & G. T. Beauchamp.

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

Tamkandi parambil Unicheti,-

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

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

Read letter dated 28th June 1860, from the Acting Session Judge of Tellicherry, submitting for the final Judgment of the Foujdary Adawlat, the Records of case No IX of 1860 on the Calendar of the Session Court

/ Mercantile No 1109 — of 1860 /

The Court of Foujdary Adawlat, — Mr. G. T. Beauchamp

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

Alimma @ Imutti dwa,

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

11th July 1860.

do convict her thereof; and sentence her to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for and during the period of her natural life -

Thr. Wilkins
Esqrs. Ed.

F. A.

Thursday 12th July 1860.

At a Court of the Fouzdarry Adawlat.

Present.

J. Lo. Strange Esquire
H. Ivere Esquire
G. J. Beauchamp Esqre (Offg.)
} Puisne Judges.

Read Calendar of Case No. 26 of 1860 on the file of the Session Court of Masulipatam.

(Here enter No. 1102 of 1860.)

The Fouzdarry Adawlat are constrained to cancel the requisition of security to be given by the 1st prisoner. The evidence to his identification not having been accepted, nothing remained against him to warrant the demand of security.

Read Calendar of Case No. 20 of 1860 on the file of the Session Court of Cuddalore.

(Here enter No. 1106 of 1860.)

As

12th July 1860.

As herein recommended,
the Court of Foujdarry Adawlat
resolve to authorize the Session
Judge to issue his warrant for
the imprisonment of the prison-
ers for the period specified in
the margin, in mitigation of the
sentence passed upon them in
the said case.

Read letter dated the
30th June 1860, from the Acting
Session Judge of Tellicherry, sub-
mitting for the final judgment
of the Foujdarry Adawlat, the
record of Case No. 16 of 1860 on
the Calendar of the Session Court.

/Here enter No. 1108 of 1860/

The Court of Foujdarry
Adawlat, on a deliberate consi-
deration of all the circumstances
of the case in evidence before
them, being of opinion that the
proof against the prisoner,

Vinaat

+ 1st Govindan
2d Mutchi Cullen

(5) five years.

Messrs Shere
and Branchamp.



12th July 1860.

Vinaat Vaidel Kurup,

"Murder".

is sufficient to convict him of
the offence charged, do convict
him thereof; and under the pro-
visions of Section X, Regulation
VIII of 1802, sentence him to suffer
death by being hanged at the
usual time and place of execu-
tion.

Read Calendar of
Case No. 20 of 1860 on the file of
the Session Court of Rajahmun-
dry.

/Here enter No. 1111 of 1860/

The Regulation quoted
by the Session Judge as the au-
authority for his sentence on the
prisoner in this case is inap-
plicable. The sentence should
have been passed under Clause
2d, Section IV, Regulation VI of 1822.

Read Calendar of
Case No. 23 of 1860 on the file of
the

the Session Court of Rajahmundry.

/Here enter No. 1112 of 1860/

The Court of Foujdarry Adawlat conclude that the Session Judge intended to quote Clause 7th, Section II, Regulation XV of 1803, in support of the sentence passed by him on the 2d prisoner in the above case, instead of Section VIII, Regulation XV of 1802, as appearing on the Calendar.

Read Criminal Report B, submitted by the Agent to the Governor in Council, for the month of May 1860.

/Here enter No. 1097 of 1860/

1. The Court of Foujdarry Adawlat direct that explanation be submitted showing in what respect the conduct of the prisoners subjected them to penal consequences, the case on the face of the charge.

No. 3. "Fraud" By the Senior Assistant Agent.

Being



being one merely for civil remedy.

No. 35. "House breaking and theft" By the Assistant Agent.

2. The charge in this case does not show how the breaking into the house of the prosecutor was effected by the prisoners. The Court direct that the omission be supplied.

No. 38. "Perjury" By — Do.

3. The Court observe that the remarks recorded by the Agent on this case, should have been reserved until the disposal of the case by that officer.

Ld. 8d.

Jno. Wilkins

F. J.

Friday,
13th. July 1860.

At a Court of the Foujdaree Adawlat.

Present

J. Le Strange Esquire
H. Frere Esquire
} Puisne Judges.
C. J. Branchamp Esqre. (Offg.)

Read letter under date the 7th instant, from the Session Judge of Cuddapah, soliciting instructions as to whether the Foujdary Adawlat intended by their Circular of the 26th February 1859, the discontinuance of the practice hitherto observed in cases committed to the Session Court, of affording preliminary information and assistance in the shape of an abstract of the evidence upon which the lower Courts commit: tal is based.

/Here enter No. 1113 of 1860./

The Court observe as that

that the only statement required under this Circular of the 26th February 1859 to be submitted by a Subordinate Judge, when committing a case for trial before the Session Court, is, the Form of Commitment attached to the said Circular.

Read letter dated 24th April 1860, from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdarry Adawlat, the record of trial in Case No. 13 of 1860 of the Calendar of the Session Court.

[Here enter No. 1107 of 1860]

Mess^rs. Strange and Frere.

The Court of Foujdarry Adawlat 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. Condapudi China Rajapa,

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



A large amount of unnecessary evidence has been taken before the police, and needlessly placed by the Session Judge on the record sent up. The Session Judge has also himself taken redundant evidence on inconclusive matters. The Court regret furthermore to observe that the letter of reference gives a very imperfect account of the case, and contains inaccuracies which show it to have been carelessly drawn up.

Tho. Williams

Lt. Col.

# J. A.

Saturday,
14th July 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire
H. Frere Esquire — Puisne Judges
G. T. Beauchamp Esquire (Off.)

Read letter under date the 5th July 1860, from the Agent to the Governor of Fort Saint George in Vizagapatam, submitting for the final judgment of the Foujdarry Adawlat, a Report of the trial held by him in a case of House Breaking with Theft, and being in possession of stolen property with a guilty Knowledge.

/Heresiah J. A. No 1117 of 1860/

The Court of Foujdarry Adawlat concur in the conviction of the Prisoner,

Kellah Seshegoudoo,

and confirm the Sentence passed upon him by the Agent. Viz. 3 Years' imprisonment with hard labor in irons.

Jno. Littler

Ld. Et.

F. A.

Monday,
16th July 1860.

At a Court of the Fauzdarry Adawlat.

Present.

J. B. Strange Esquire
H. Freer Esquire
G. T. Beauchamp Esqre (Offg.)
} 3 Puisne Judges

Read letter dated 18th June 1860, from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for the final judgment of the Fauzdarry Adawlat, the record of Case No. 6 of 1860 on the file of the Agents Court.

(Here enter No. 1122 of 1860.)

Messrs. Strange and Beauchamp

The Court of Fauzdarry Adawlat, 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 Canagala Kristadu,

15

16th July 1860.

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

Exd. Ed.

Jno. Wilkins

"Murder"

J. J.

Thursday, 19th July 1860.

At a Court of the Sanjdarry Adawlut.

Present.

J. Lo. Strange Esquire
H. Trere Esquire
G. J. Beauchamp Esq. 2d (Offg.)
} Puisne Judges

Read Criminal Report B, submitted by the Session Judge of Nellore, for the month of June 1860.

/Here enter No. 1142 of 1860./

No. 83. "Cauterizing" By the Principal Sudder Ameen.

The charge in this case should have been headed "Assault with wounding."-s

Jno. Wilkins

Exd. Ed.

T. A

Friday,
20th July 1860.

Account of the Tanjadarry Adawlut.

Present.

J. Lo. Strange Esquire
H. Forbes Esquire
} Puisne Judges
G. J. Brandreth Esq. Officiating

Read letter dated the 6th instant, from the Agent to the Governor of Fort St. George in the Ganjam, submitting observations with regard to the examination of witnesses in Cases Nos. 2 and 5, as ordered by the Tanjadarry Adawlat.

(Here enter No. 1146 of 1860.)

The Tanjadarry Adawlat observe that the course which the Agent wishes them to sanction in Cases Nos. 2 and 5 is positively prohibited by the Regulations, as pointed out in their orders of the 22d June 1860, to which and to those of the 27th idem the Agent must

at

at once confirmed. 20th July 1860

Read letter dated 20th June 1860, from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdary Adawlat the record of Case No. 70 of 1860 on the file of the Session Court.

/Here enter No. 1154 of 1860./

The Court of Foujdary Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoner, Sheik Hoossain is not convicted on presumptive or proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him thereof, and direct that he be set at liberty. S

Messrs. Ffrere and Branchamp.

Rape attended with Robbery.

Mr. Willins

Ex Dall.

5

F. A.

Monday, 23rd July 1860.

At a Court of the Foujdary Adawlat.

Present.

J. Le. Strange Esquire
H. Ffrere Esquire — Puisne Judges.
G. J. Branchamp Esqre (Offg.)

Read Report as submitted by the Sessions Judge of Calicut, of Case No. 14 of 1860, disposed of by the Joint Magistrate of Malabar in June 1860, with the Court Proceedings thereon.

/Here enter F. A. No. 1158 of 1860./

The Judges request that the Sessions Judge will obtain from the Magistrate and submit for their consideration, a translation of the written contract entered into between the parties in this case.

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

Mr. Willins

Exd. S.J.

J. A.

Tuesday,
24th July 1860.

Mt Court of the Fauydarry Adawlat

Present.

J. B. Strange Esquire
H. Irvine Esquire
G. T. Beauchamp Esqre (WS)
} Puisne Judges.

Read Calendar of Cases
№ 52 of 1860 on the file of the Sessions
Court of Calicut.

(Here enter J. A. № 1188 of 1860.)

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

* Jattumugan Tev Avaran
(4) four years

Read letter dated
18th July 1860, from the Sessions Judge of Nundial, submitting for the

final

final judgment of the Tongidarry Adawlat, the record of Case No 40 of 1860 on the Calendar of the Sessions Court.

/Here enter F. A. No 1181 of 1860./

The Court of Tongidarry Adawlat 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 Strange.

Obalareddi,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clause 1st Section III Regulation XI of 1811, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (4) four years.

"Forgery"

Read letter dated 16th July 1860, from the Sessions Judge of Coimbatore, submitting for the final judgment



judgment of the Tongidarry Adawlat, the record of Case No 11 of 1860 on the Calendar of the Sessions Court.

/Here enter F. A. No 1177 of 1860./

Mr Branchamp.

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

Vellay,

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

"Murder"

Wm Wilkins
Esqr 5J.

# J. A.

Wednesday, 25th July 1860.

Mixd Court of the Tanjadarry Adawlat.

Present.

J. L. Strange Esquire
H. Freer Esquire
} Puisne Judges.
G. T. Beauchamp Esquire (WR.)

---

Road Miscellaneous

Petition presented on the 8th June 1860, by Kandappa Mudali, of Zillah Salem.

(Here enter J. Mo. P. No 173 of 1860.)

Messrs Freer and Beauchamp 1. Petitioner appeals against an order of the Acting Sessions Judge of Salem under date the 14th February last, declining compliance with his request to remit the fine of half a Rupee imposed upon him by the Subordinate Judge on a charge of having resisted the warrant of a Police Peon.

2. The Court of Tanjadarry Adawlat

25th July 1860.

Adawlat see no sufficient grounds for interfering with the sentence of the Subordinate Judge in this case, imposing a fine of half a Rupee upon the Petitioner, but at the same time resolve to point out to the above officer that the Regulation quoted by him is inapplicable to the case, and that the sentence should have been passed under Section VII Regulation X of 1816.

The following Tongdarry Miscellaneous Petition is rejected, Viz.

No 180 of 1860. Thos. Withers

£4 8 4

5.

T. D.

Thursday, 26th July 1860.

At a Court of the Tongdarry Adawlat.

Present

J. So. Strange Esquire
H. Frere Esquire
G. J. Branchamp Esqre (Offg.)
} Puisne Judges.

Read letter dated the 12th instant, from the Acting Session Judge of Masulipatam, requesting the instructions of the Tongdarry Adawlat in the case of a prisoner sent up to his Court on a charge of smuggling Sanjab into the town of Masulipatam.

(Here enter No. 1163 of 1860.)

The Court of Tongdarry Adawlat are of opinion that as the Regulations prohibiting the possession and sale of Sanjab without a license have been repealed by Act VI of 1844, and the town of Masulipatam has ceased to be a Military

bazar

bazar station, there is no law now
in force restricting the free transit
of Sanjab into that town.

Read again Miscellaneous
Petition presented on the 19th March 1860,
by Mooktar Vakeels on behalf of
Chungadoo and 3 others, of zillah Chittoor.

Here enter Mc. P. No. 115 of 1860.

Read also return dated 5th
May 1860, from the Session Judge of
Chittoor, to the precept of the Fouj-
dary Adawlat, under date the 28th
April 1860, calling for some informa-
tion in Calendar No. 4 of 1860.

Here enter No. 772 of 1860.

Read also return dated
30th ultimo, from the Session Judge
of Chittoor, to the precept of the
Foujdary Adawlat under date the
20th idem, directing the submission
of a translation of the record in
the above case.

Here enter No. 1071 of 1860.

The



Mr. Frere

1. The Court of Foujdary
Adawlat have carefully considered
the evidence in this case, and are
of opinion that the conviction
cannot be sustained.

2. The case for the Prose-
cution rests upon the alleged re-
cognition of the prisoners by the
1st, 2d and 3d witnesses, being the parties
robbed; and upon the fact that
a single cloth and half measure of
rice were found in the possession
of the 1st prisoner, and an old cloth
valued at 8 annas on the person
of the 2d prisoner, which the 1st
and 2d witnesses affirm to have
formed part of the property taken
from them by violence on the
occasion in question.

3. It appears from the
evidence of the 2d witness before
the Session Court and otherwise
that these witnesses in the first
instance

instances professed to identify no
less than eleven individuals whom
shown to them by torchlight, as
having been members of the gang
by which they were robbed, adding
that they were enabled to
identify them by the light of
the moon then five days old. On
Adverting to the admitted fact
that the witnesses were previously
unacquainted with the names
of the prisoners, the Court of
Foujdarry Adawlat are wholly
unable to trust an identification
supported by such evidence.

4. With respect to the
articles found in possession of
the prisoners, it is to be observed
that the 2d has throughout claimed
that found on his person as his
own property; and it is not stated
that either this article, or that
found in possession of the 1st
prisoner



prisoner, differ in any way from
the ordinary cloths in use among
persons of their own class.

The Court of Foujdarry
5.
Adawlat consider it necessary on
therefore to cancel the sentence
in the case in question, and to
direct the release of the prisoners.

Mr. Williams

Exd Eald.

J. A.

Friday,
27th July 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. D. Strange Esquire
H. Frere Esquire
} Puisne Judges.
G. J. Brauchamp Esqr. (Offg.)

Read letter under date the 17th July 1860, from the Agent to the Governor of Fort St. George in Vizagapatam, submitting for the final judgment of the Foujdarry Adawlat, a report of the trial held by him in a case of House Breaking with theft.

(Here enter No. 1201 of 1860)

The Court of Foujdarry Adawlat concur in the conviction of the prisoner,

"Daukannury Raundu," and, in consideration of the circumstances stated in his favor, sentences him to the mitigated punishment recommended by the Agent, viz., one year's

grave imprisonment with hard
labor in irons.

Read letter dated 20th July
1860, from the Session Judge of Chit-
toor, submitting for the final judg-
ment of the Foujdarry Adawlat,
the record of Case No. 47 of 1860 on
the Calendar of the Session Court.

/Here enter No. 1190 of 1860./

The Court of Foujdarry Messrs. Thore and Branchamp.
Adawlat, on a deliberate considera-
tion of all the circumstances of
the case in evidence before them,
being of opinion that the proof a-
gainst the prisoners,

1st Ramasámi alias Ramen,
and
2d Chinnavayen alias Innayen,

is sufficient to convict them of the
offence charged, do convict them there- "Murder"
of; and under the provisions of
Section X, Regulation VIII of 1802, sentence
them to suffer death by being
hanged at the usual time and
place of execution. Ther millins

E.P. E.T.



J. A.

Saturday,
28th July 1860. At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire
H. Thore Esquire } Puisne Judges.
G. T. Branchamp Esqre (Offg.)

Read Calendar of Case
No. 56 of 1860 on the file of the
Session Court of Chittoor.

/Here enter No. 1208 of 1860./

The Foujdarry Adawlat
resolve to forward an Extract from
their Proceedings of the 17th December
1851 to the Session Judge who is or-
dered to cause the case to be re-
committed and proceed with it
in the manner indicated.

Read Calendar of Case
No. 52 of 1860 on the file of the
Session Court of Chittoor.

/Here enter No. 1214 of 1860./

As herein recommended,

the

the Court of Foujdarry Adawlat resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

1st Muttyalugadu
2d Thubakula Venkatroyadu

(2) two years.

Read Calendar of Case No. 16 of 1860 on the file of the Session Court of Combaconum.

/Here enter No. 1213 of 1860./

There seems to the Foujdarry Adawlat much ground for doubting whether this case has been properly disposed of. They direct the Session Judge to forward for their consideration translation of the prisoner's statements before the Police and the Subordinate and Session Courts, those of the 2d, 7th, 8th, and 9th witnesses, the Plan and a memo. of the distance between

28th July 1860.

between the 1st witness and 2d prisoner's village from the 1st prisoner's house to the tank referred to, and from the tank to the field where the corpse was lying.

Precept returnable within V days from and after its receipt.

Tho Withins

E. P. E.

F. P.

Monday,
30th. July 1860.

At a Court of the Zoujdarry Adawlat.

Present.

J. L. Strange Esquire
H. Freer Esquire
} Puisne Judges.
G. J. Branchamp Esqre. (Offg.)

Read letter dated the 26th. July 1860, from the Sessions Judge of Chittoor, submitting for the final judgment of this Zoujdarry Adawlat the record of Case No. 60 of 1860, on the Calendar of the Session Court.

(Here enter No. 1216 of 1860.)

Mr. Strange.

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

Shékh Latif,

is insufficient to convict him of the

30th July 1860.
"Possessing and Uttering Counterfeit Coin"

the offence charged, do convict him thereof; and under the provisions of Clause 1st, Section VII, Regulation II of 1822, sentences 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.

Read Calendar of Case No. 50 of 1860 on the file of the Session Court of Masulipatam.

[Here enter No. 1218 of 1860.]

The case does not appear to the Court of Foujdarry Adawlat to bear the features of robbery. It might properly come under the designation of "snatching." The sentence passed seems appropriate to the offence.

Jno Withers.

Ex. Hall.

F. J.

Tuesday 31st July 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire
H. Frere Esquire — Puisne Judges
G. J. Branchamp Esqre (Offg.)

Read letter dated 10th May 1860, from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdarry Adawlat, the record of Case No. 16 of 1860 on the Calendar of the Session Court.

[Here enter No. 1204 of 1860.]

Messrs Strange and Branchamp

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

Bimbolu Gungi

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

Murder.

her thereof; and under the provi-
sions of Clause second, Section VI,
Regulation I of 1825, sentence her to
be imprisoned and kept to labor
suitable to her sex, for and during
the period of (7) seven years.

Read letter dated the
28th July 1860, from the Officiating
Session Judge of Chingleput, sub-
mitting for the final judgment
of the Foujdarry Adawlat the
record of Case No. 16 of 1860 on
the Calendar of the Session Court.

/Here enter No. 1231 of 1860./

Mr. Branchamp

The Court of Foujdarry
Adawlat, on a deliberate consider-
ation of all the circumstances
of the case in evidence before
them, being of opinion that
the prisoner,

Munien,

is not convicted on presump-
tive proof, or on the evidence of
credible



"Robbery by open violence."

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

Circular.

Read Calendar of Case
No. 66 of 1851 of the Session Court of
Bellary.

1 The Court of Foujdarry
Adawlat are of opinion that the
Acting Session Judge has erred
in remanding the above case or
for disposal by the Subordinate
Criminal Court.

2 The prisoner, it is ob-
served, was committed to take
his trial on a charge of Forgery,
and the Acting Session Judge, on
perusal of the proceedings of
the Acting Subordinate Judge,
differing from that officer as
in his appreciation of the
evidence, considered that no
grounds existed for placing the

prisoner

prisoner on his trial for that offence.

3. The Court observe that when the Session Judge had to act upon appreciation of evidence, it was his duty to have proceeded with the trial of the case in conjunction with his law officers or assessors, and so to have disposed of it upon its judicially ascertained merits, which were not left by law to be decided upon by himself singly.

4. The Court of Foujdarry Adawlat accordingly now resolve to call upon the Acting Session Judge to amend his error, and to direct that the prisoner be re-committed to take his trial before the Session Court.s

Ex Rak. Hy. Wilkins



F. A.

Wednesday 1st August 1860.

At a Court of the Foujdarry Adawlat.

Present

J. G. Strange Esquire
H. Ivers Esquire
} Puisne Judges
G. T. Beauchamp Esqr. (Offg.)

Read Criminal Report B, submitted by the Officiating Sessions Judge of Chingleput, for the month of June 1860.

(Here enter No. 1191 of 1860.)

No. 40. The Officiating Sessions Judge is requested to point out the ruling of the Foujdarry Adawlat to which he refers in this case.

Read Calendar of Case No. 19 of 1860 and the file of the Sessions Court of Honore.

(Here enter No. 1228 of 1860.)

The Court of Foujdarry Adawlat direct the Sessions Judge to forward a copy of the remarks recorded

recorded in the above case to the Inspector General of Police, for his information.

1st August 1860

Read Report A, submitted by the Session Judge of Nundial, for the month of July 1860.

(Here enter No. 1235 of 1860.)

The Court of Foujdarry Adawlat request the Session Judge to call the Magistrate's particular attention to the observations he has made in the 15th and 16th paras of his sentence.

No. 53 of 1860.

Ex Exh.

Wr. Williams



J. A.

Thursday, 2d August 1860.

At a Court of the Foujdarry Adawlat.

Present

J. G. Strange Esquire
H. Frere Esquire
G. T. Beauchamp Esqr (Offg)
} Puisne Judges

Read letter dated 9th July 1860, from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdarry Adawlat, the record of Case No. 72 of 1860 on the Calendar of the Session Court.

(Here enter No. 1238 of 1860.)

Messrs Strange and Beauchamp.

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

Weddu Bhima,

is sufficient to convict him

of

"Murder."

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

Read letter dated the 18th Ultimo, from the Agent to the Governor at Vizagapatam, requesting the opinion of the Foujdarry Adawlut, as to whether certain prisoners in a Case of Highway robbery committed to his Court, who were found to be old offenders, after the evidence for the defence had been partly taken, can or can then be arraigned as such.

/Here enter No. 1202 of 1860./

The Court of Foujdarry Adawlut are of opinion that the charge cannot under such circumstances be altered. but they do not see the object of the alteration,

unless



unless the case is one which the Agent thinks should be treated under Clause 3rd Section IX Regulation XV of 1803, which is not stated to be the case.

Read Calendar of Case No. 53 of 1860 on the file of the Sessions Court of Cuttack.

/Here enter No. 1234 of 1860./

As herein recommended, the Court of Foujdarry Adawlut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the periods specified in the margin, in mitigation of the sentence passed upon them in the said case. S Thr. Wilkins

Sept 3rd 60.

| | |
|---|---|
| 1st Esla Chunnoo Manapully | Two years. |
| 2nd Nyapun. | |
| 4th Chukan. | |
| 5th Dellan. | Four years. |
| and 3rd Hodah. | Third years. |

J. A.

Saturday
14th August 1860

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire
H. Frere Esquire } Puisne Judges
C. J. Branchamp Esqre Offg.

Read letter dated the 25th ultimo, from the Sessions Judge of Madura, requesting the opinion of the Foujdarry Adawlat on certain points under Act XXIV of 1859.

/Here enter No. 1229 of 1860/

1. The Court of Foujdarry Adawlat are of opinion that an appeal lies to the Session Court from the decision of a Magistrate passed under Act. No. XXIV of 1859.

2. They are also of opinion that Police and Town Ameens are to be considered Magistrates, and are empowered to dispose of cases under

4th August 1860.

under Section XLVIII within the limits prescribed in Sections 12 of the said act, appeals lying from their decisions to the Magistrates in such cases.

The following Miscellaneous Petition is rejected, Viz.

No. 170 of 1860.

Jno. Withers

Ed. Clerk.



J. D.

Monday, 6th August 1860.

At a Court of the Pondicherry Adawlat.

Present.

J. Lo. Strange Esquire
H. Irvine Esquire
} Puisne Judges.
C. J. Beauchamp Esqre (Offg.)

Read letter dated the 20th July 1860, from the Acting Session Judge of Pellicherry, submitting for the final judgment of the Pondicherry Adawlat, the record of Cases Nos. 14 and 15 of 1860 on the Calendar of the Session Court.

(Here enter No. 1239 of 1860.)

Mr. Strange.

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

Parur Madan,

is sufficient to convict him of the

6th August 1860.

"Wounding with intent to Murder."

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

Read again Miscellaneous Petition presented on the 21st May 1860, by Mr. W. Sloan, Pleader on behalf of Chantranty Narrayana Murti, of zillah Vizagapatam.

[Here enter Mis. P. No. 167 of 1860.]

Read also return dated 3d June 1860, from the Agent to the Governor at Vizagapatam, to the precept of the Foujdarry Adawlat under date the 20th June 1860, stating that when disposing of the case he carefully compared the writing

6th August 1860.

writing of the figures in the document marked C, and those in the account produced by the witness, and that he entertained no doubt at the time of both writings being of the same hand.

[Here enter No. 1114 of 1860.]

Mr. Strange.

This return and the sentence of which it is explanatory indicate to the Court that the Agent was unable to satisfy himself beyond room for doubt that the figures in the account C attributed to the 2d prisoner were really in his hand writing. Such being the case, it is apparent that no fact has been found against the prisoner to warrant the requisition of security from the prisoner, and the Court resolve therefore to direct that this requisition be cancelled and the prisoner set at large unconditionally.

Precept

6th August 1860.

Precept returnable within
11 days from and after its receipt.

The following Miscellaneous Petitions are rejected. Viz.ts.

Nos. 192 and 195 of 1860.s

Ex. Exd.



Tuesday,
7th August 1860.

J. A.

At a Court of the Foujdarry Adawlut.

Present:

J. L. Strange Esquire
H. Trere Esquire
G. T. Beauchamp Esqre. (Offg.)

} Puisne Judges.

Read Criminal Reports submitted by the Acting Session Judge of Salem for the months of June 1860.

(Here enter J. A. No. 1343 of 1860.)

Report 1. No. 15. By the Hd. Asstt. Magistrate.

The Foujdarry Adawlat observe that the Acting Session Judge, instead of annulling the Acting Head Assistant Magistrate's sentence, should have required him to amend it in conformity with the provisions of the law which regulate the Proceedings of the Foujdarry Adawlat when revising Calendars &c.a. Vide Section II Regulation XIX of 1814.

2. The Acting Session Judge is in error in supposing that the Acting Head Assistant Magistrate was not competent to award restoration of the Jewels, the Magistracy holding Criminal Courts within the meaning of Act XVI of 1850 and the order of the Acting Head Assistant Magistrate in this aspect must stand.

Report B. No. 34. Assaults with wounding. By the Hd. Asstt. Magistrate.

3 The Court have repeatedly ruled that irons should not form part of a sentence for assault, and this part of the punishment in this case must be remitted.

The

7th August 1860.

4 The sentence in these cases is illegal, the Prisoners can only be sentenced on their failing to give security for performing their contract. Nos 26 & 27. Breach of Contract. By the Magistrate

Read letter dated 26th July 1860. from the Sessions Judge of Mangalore, submitting for the final Judgment of the Foujdarry Adawlat, the record of case No. 37/1860 on the Calendar of the Session Court.

[Here enter F.A No 1254 of 1860.]

The Court of Foujdarry Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners — Mr. Beauchamp.

1st Aver Koragu
and
2d Rudru,

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

Mr Wilkins

E.P. E.J.

5

F. A.

Wednesday, 8th August 1860. At a Court of the Foujdarry Adawlat.

Present.

T. L. Strange Esquire
H. Erere Esquire
G. T. Beauchamp Esqre (Offg.) } Puisne Judges.

Read Calendar of Case No. 540 of 1860 on the file of the Session Court of Chittoor.—

(Re-enter No. 1256 of 1860.)

The charge requires explanation. All that is said against the prisoner is that he told his Vakeel that Veroomal Naidoo (one of the Defendants) had said (when or where not declared) that Govindapa Naidoo (another of the Defendants) was near a tank, but how this was inconsistent with Veroomal Naidoo's absence at Chittambadi does not appear. The Session Judge is requested therefore to clear up this matter.

Except

8th August 1860

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

Read Calendar of Case No. 55 of 1860 on the file of the Sessions Court of Chittoor.—

(Here enter No. 1257 of 1860.)

1. The Prisoner appears to have been arraigned on a particular charge and convicted upon another matter. He is charged with having given two contradictory depositions, but the Foujdarry Adawlat fail to discover any contradiction in the statements cited in the charge. What he has been convicted of is something else, namely false personation.—

2. The Court wish an explanation on the above subjects from the Sessions Judge.

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

Read Calendar of Case No. 56 of 1860 on the file of the Sessions Court of Chittoor.—

(Here enter No. 1258 of 1860.)

8th August 1860.

The sentence passed in this Case appears to the Foujdarry Adawlat unduly severe one.— The Sessions Judge is unable to connect the prisoner's possession of the bangles with the murder. The matter is therefore resolved itself into one of petty theft, if theft there has been. As the value stolen would bring such a matter within the jurisdiction of the Village Magistracy, the Court consider the imprisonment the prisoner has undergone ample punishment for his offence. They therefore cancel the sentence passed upon him.—

Read Calendar of Case No. 57 of 1860 on the file of the Sessions Court of Cuddapah.—

(Here enter No. 1259 of 1860.)

1. The Sessions Judge recommends that the period of Imprisonment which the Prisoners have been adjudged to suffer on their conviction of "Highway Robbery" be reduced to five years.—

+ 1. J. Seddayadoo.
2. P. Seddoyadoo.
3. J. Chinna Venkatayadoo.
4. C. Gungadoo.

2 The Foujdarry Adawlat being of opinion

opinion that a sentence of not less than nine 8th August
8 years' Imprisonment with hard labor
in irons can, consistently with the ends
of justice, be awarded in this case,
resolve to mitigate the sentence passed
on the Prisoners to that extent only.

Read Miscellaneous Petition
received on the 8th June 1860 through the Sessions
Judge of Rajahmundry from Seamlinah,
prisoner in Case No 16 of 1860 on the file
of the Session Court.

(Here enter Fr. Dy. P. No 175 of 1860.)

Mess^rs Strange & Beauchamp

1. This is an appeal against the
finding of the Sessions Judge of Rajahmundry,
sentencing the Petitioner to 3 years imprisonment
with labour.

2. The Court of Foujdarry
Adawlat resolve to call upon the Sessions
Judge to forward a translation of
the record in the above case.

Precept returnable within
X days from and after its receipt.

Ent^d V.V.

Pd Rs

5

J. A.

Thursday,
9th August 1860. At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire —
H. Frere Esquire — } Puisne Judges.
G. J. Beauchamp Esq^re (Off^g) —

Read letter dated 4th August
1860, from the Officiating Sessions Judge
of Chingleput, submitting for the
final judgment of the Foujdarry
Adawlat, the record of Case No 20
of 1860 on the Calendar of the
Sessions Court.

(Here enter No 1264 of 1860.)

Messrs Strange and Beauchamp

The Court of Foujdarry
Adawlat, on a deliberate consider-
ation of all the circumstances of
the case in evidence before them,
being of opinion that the proof
against the prisoner,

Pichigadu,

is sufficient to convict him of
the

9th August 1860.

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

Sd/ S.T. Sd/ illegible

"Murder"



# S. S.

Saturday 11th August 1860.

At a Court of the Foujdarry Adawlut

Present.

J. L. Strange Esquire
H. Piere Esquire
G. T. Beauchamp Esq. Offg.
} Puisne Judges.

Read Calendar of Case No. 35 of 1860 on the file of the Session Court of Cuddapah.

(Reserenter No. 1250 of 1860.)

The Foujdarry Adawlat do not consider the Prisoner's crippled condition to afford ground for reducing his sentence from 4 to 2 years' imprisonment as proposed by the Session Judge. If the prisoner can undergo imprisonment, he must do so to the extent provided by law, there being no circumstances of extenuation connected with his offence to justify mitigation

mitigation of his sentence.

11th August 1860.

Read letter under date the 7th instant, from the Acting Session Judge of Salem, submitting explanation with reference to the Proceedings of the Fouzdarry Adawlat dated 5th Ultimo, reviewing the Criminal Reports for May 1860.

(Here enter No. 1282 of 1860)

The order passed in this case is erroneous, false complaints before the Magistracy, excepting those specified in Sections 32 & 33 Regulation 9 of 1816, not being punishable. The charge in this instance did not fall within the above provisions of the law, and the sentence is therefore reversed.

No. 10 False Complaint By the Acting Head Assistant Magistrate.

The following Mr. Pereira rejected Nos. 85 and 59 of 1860.

Ex. Elle.

Jno Wilkins



J. A.

Monday, 13th August 1860.

Sitting Court of the Fouzdarry Adawlat.

Present.

J. L. Sharpe Esquire
H. Frere Esquire
G. T. Barnewall Esqre (Offg) } Puisne Judges.

Read again Calendar Case No. 55 of 1860, submitted by the Sessions Judge of Chittoor under date 2d instant.

(Here ended No. 1257 of 1860.)

Read also return dated the 10th instant, from the same officer to the precept of the Fouzdarry Adawlat under date the 8th idem, requiring one explanation in Calendar No. 55 of 1860.

(Here ended No. 1291 of 1860.)

The Sessions Judge is requested to send translation of the record in the above case, and in the meanwhile to suspend execution

13th August 1860.

execution of the sentence.

Precept returnable within x days from and after its receipt.

Read again Calendar of Case No. 54 of 1860 on the file of the Session Court of Chittoor.

/Here enter No. 1256 of 1860./

Read also return dated the 10th instant, from the Session Judge of Chittoor to the precept of the Foujdarry Adawlat under date the 8th August 1860, requiring an explanation in Calendar No. 54 of 1860.

/Here enter No. 1290 of 1860./

The Court of Foujdarry Adawlat desire that translation of the record of the above case may be sent to them, and the sentence in the meanwhile suspended.

Precept returnable within x days from and after its receipt.

Entd. C.T.

Thos Williams



F. A.

Wednesday 15th August 1860.

At a Court of the Foujdarry Adawlat.

Present.

T. L. Strange Esquire
H. Fiere Esquire
} Puisne Judges.
G. T. Beauchamp Esqre Offg.

Read Calendar of Case No. 20 of 1860 on the file of the Session Court of Tellicherry.

/Here enter F. A. No. 1270 of 1860./

Read also letter under date the 2d instant, from the Acting Session Judge of Tellicherry, detailing certain new matter in connection with the above case, and requesting, with reference thereto, that, as the sentence of 3 years' Imprisonment with hard labor in irons he has passed on the Prisoner, on his conviction of House-breaking and theft is an unjust one, the Judges will either quash it or procure a pardon for the Prisoner. Also submitting translations of the opinions of the Assessors who assisted at the trial, and to whom the new matter has been referred.

/How enter F. A. No. 1271 of 1860./

The Foujdarry Adawlat

concluded

conclude that the further investigation held by the Acting Sessions Judge has not been upon re-opening the trial. The proper course for the Acting Sessions Judge was to have applied for authority to re-open the trial to admit of the reception of the new evidence. This he is now authorized to do, recording a fresh judgement in the case. —

Read Petty calendars submitted by the Sessions Judge of Rajahmundry, for the 2d Quarter of 1860.

(Here enter F.A. No. 1304 of 1860.)

The offence charged was not a No. 45. Misdemeanor. petty offence falling under section XXXII, By the Acting Head Assistant Magistrate. the imposition of a fine therefore under section XXXV Regulation IX of 1816, was illegal. —

Jno. Wilkins

S.A.D.J.



F.A.

Friday, 17th August 1860. At a Court of the Foujdarry Adawlat

Present.

J. Le. Strange Esquire
H. Pree Esquire
G.J. Branchamp Esqre (Offg.)
Puisne Judges.

Read letter under date the 6th August 1860, from the Session Judge of Chittoor, requesting the opinion of the Foujdarry Adawlat whether irons are to accompany a sentence of "hard labor" passed under Act XXIV of 1859.

(Here enter No. 1272 of 1860.)

1. The Court of Foujdarry Adawlat are of opinion that in the cases in question the practice which guides the Courts in other cases should be followed, viz that, as the offences cognizable by the Magistracy are Misdemeanors, irons should not form part of the sentences

sentence.

2. An Officer in charge of a Jail is competent to order or irons to be placed on any prisoner when the measure may be requisite to enable him to carry out the sentence without the risk of escape.

Mr Mills

Ld Advt Ld

J. A.

Monday, 20th August 1860.

At a Court of the Fouzdarry Adawlut.

Present.

J. L. Strange Esquire
H. Freere Esquire
G. T. Beauchamp Esqre (Offg.) } Puisne Judges.

Read again Report A, submitted by the Sessions Judge of Calicut, of Case No 114 of 1860, disposed of by the Joint Magistrate of Malabar in June 1860, with the Court's proceedings thereon.

(Vide entry No 1158 of 1860.)

Read also return dated the 4th instant, from the Sessions Judge to the Precept of the Fouzdarry Adawlut under date the 23d Ultimo, requiring the Sessions Judge to submit for their consideration a translation of the written contract entered into between the parties in the above cases.

(Vide entry No 1289 of 1860.)

The Court of Fouzdarry Adawlut

Adawlat are of opinion that this is a contract for work merely, and not for the supply of the timber itself. The Case accordingly comes under Act XIII of 1859. The addition of the penalty in the contract in no way deprives the complainant of the benefit of the Act, which contemplates cases in which parties would have rights that might be enforced by Civil Suit in addition to the redress given to them under it.

Read letter under date the 26th July 1860, from the Agent to the Governor in Ganjam, observing, in reply to the Proceedings of the Fouzdarry Adawlat dated the 12th idem, that the case of "Brand," No 3, disposed of by the Senior Assistant Agent in May last, is punishable under the Criminal Law, because the commodity purchased, after being

assigned



assigned over to the purchaser, was resold by the Prisoner to a third party.

(Here enter No 1217 of 1860.)

The Fouzdarry Adawlat do not concur in this view of the matter. One party acting in fraud of another as respects his rights in property is not therefore necessarily amenable to the Criminal Law. The Court see nothing in what is alleged against the accused to have brought him under the Criminal Law, and therefore cancel the sentence. S

Ino Watts

Ent EG

F. J.

Tuesday,
21st August 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire
H. Ivere Esquire — Puisne Judges.
G. J. Branchamp Esqre (Offg).

Read letter dated the 9th August 1860, from the Session Judge of Mangalore, submitting for the final judgment of the Foujdarry Adawlat, the record of Case No. 29 of 1860 on the Calendar of the 3rd Session Court.

(Here enter No. 1307 of 1860)

Messrs Strange and Ivere

The Court of Foujdarry Adawlat, 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 Dhér Bolla,

is sufficient to convict him of the

the offence charged, do convict "Murder."
him thereof; and sentence him
to be transported to such place
or places beyond sea, as the Govern-
ment may direct, there to be im-
prisoned and kept to hard labor
on the public roads or other
public works, for and during
the period of his natural life.

The Court of Foujdarry
Adawlat, on a deliberate consider-
ation of all the circumstances
of the case in evidence before
them, being of opinion that the
proof against the prisoner,

2d. Dhur Sugara,

is sufficient to convict him of
the offence charged, do convict "Murder."
him thereof; and under the provi-
sions of Clause 2d, Section VI, Re-
gulation I of 1825, sentence him
to be imprisoned and kept to
hard labor in irons on the public
roads

21st August 1860.

roads or other public works, for one
and during the period of (2) two
years.

Thos. Williams

Ld. 69.

# F. A.

Wednesday, 22nd August 1860. At the Foujdarry Adawlat.

Present:

J. Lo. Strange, Esquire.
H. D. Phillips, Esquire. } Puisne Judges.
H. Freere, Esquire.

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Read Calendar of Case No. 26 of 1860 on the file of the Session Court of Rajahmundry.

(Here enter F. A. No. 1343 of 1860.)

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

× Makala Buchigadu (7) Seven years

Read Calendar of Case No. 43 of 1860 on the file of the Session Court of Salem.

(Here enter F. A. No. 1340 of 1860.)

As herein recommended, the Court of Foujdarry Adawlat resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in

× Cona Mooniah (3) Three years & 100 Lds hes.

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

Read Calendar of Case No. 54
of 1860 on the file of the Session Court of
Nundial.

(Here enter S. A. No 1328 of 1860.)

As herein recommended,
the Court of Foujdarry Adawlat resolve to
authorize the Session Judge to issue his warrant
for the imprisonment of the prisoners for the
period specified in the margin, in mitiga-
tion of the sentence passed upon them in
the said case.

1st Nagadu
2nd Sheshigadu
(7) seven years.

Read Calendar of Case
No. 40 of 1860 on the file of the Session Court
of Cuddapah.

(Here enter S. A. No 1280 of 1860.)

1. The Prisoner in this Case
tried on a charge of "Wounding with intent
to kill" has been convicted and sentenced
by the Session Judge to imprisonment for
five years with hard labor in irons, and
to receive 150 lashes.

2 This sentence, in the opinion
of the Foujdarry Adawlat, is a light one,
the

G. Garedegadoo.



the Prisoner having been guilty of
an atrocious Crime.

Read Calendar of Case No. 41
of 1860 on the file of the Session Court of
Cuddapah.

(Here enter S. A. No 1287 of 1860.)

The Session Judge recommends
1. that the period of Imprisonment which
the two Prisoners in this Case have been
adjudged to suffer on their Conviction
of "Highway Robbery with personal injury"
be reduced in the Case of the 1st Prisoner to 7
years, and in that of the 2nd to 5 years.

The Foujdarry Adawlat do
2. not see grounds for mitigation. The 1st
witness received a very serious injury, his
arm being broke.

1st P. Madadoo
2nd G. Yaretkalevadoo

Read Calendar of Case
No. 43 of 1860 on the file of the Session Court
of Cuddapah.

(Here enter S. A. No 1309 of 1860.)

The Session Judge recommends
1 that the period of Imprisonment which the
prisoners in this Case have been adjudged
to suffer on their Conviction of "Highway Robbery"
be

1 Imam Saheb.
2 C. Rajoopati.
3 C. Chengadoo.

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

Read Calendar of Case No. 54
of 1860 on the file of the Sessions Court of
Nundial.

(Here enter S. C. No. 1328 of 1860.)

As herein recommended,
the Court of Foujdarry Adawlat resolve to
authorize the Sessions Judge to issue his warrant
for the imprisonment of the prisoners for the
period specified in the margin, in miti-
gation of the sentence passed upon them in
the said case.

Read Calendar of Case
No. 40 of 1860 on the file of the Sessions Court
of Cuddapah.

(Here enter S. C. No. 1280 of 1860.)

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1. tried on a charge of "Wounding with intent
to kill" has been convicted and sentenced
by the Sessions Judge to imprisonment for
five years with hard labor in irons, and
to receive 150 lashes.

This sentence, in the opinion
2 of the Foujdarry Adawlat is a light one,
the



the Prisoner having been guilty of
an atrocious Crime.

Read Calendar of Case No. 41
of 1860 on the file of the Sessions Court of
Cuddapah.

(Here enter S. C. No. 1287 of 1860.)

The Sessions Judge recommends
1. that the period of Imprisonment which
the two Prisoners in this Case have been
adjudged to suffer on their conviction
of "Highway Robbery with personal injury"
be reduced in the case of the 1st Prisoner to 7
years, and in that of the 2d to 5 years.

The Foujdarry Adawlat do
2. not see grounds for mitigation. The 1st
witness received a very serious injury, his
arm being broken.

Read Calendar of Case
No. 130 of 1860 on the file of the Sessions Court
of Cuddapah.

(Here enter S. C. No. 1309 of 1860.)

The Sessions Judge recommends
1 that the period of Imprisonment which the
prisoners in this Case have been adjudged
to suffer on their conviction of "Highway Robbery"
be

be reduced to seven years.

2 The Foujdarry Adawlat sanction the mitigation of sentence proposed as regards the 1st and 2nd Prisoners. The Conduct of the 3rd Prisoner was very violent, the Court therefore see no ground for mitigation in his case.

3 The Charge as framed against the 1st & 2nd Prisoners is very defective. It does not disclose the particular matter alleged against them.

Read again return dated 28th May 1860 from the Session Judge of Honora to the precept of the Foujdarry Adawlat under date the 17th instant, calling for a full explanation of the circumstances referred to in paras 25 and 26 of Calendar of Cases 8 and 9 of 1860, especially as regards the trial of the prisoners on the 2nd Count in No. 8.

(Here enter F. A. No. 932 of 1860.)

Read also return dated 4th July 1860, from the Sessions Judge of Honora to the precept of the Foujdarry Adawlat under date the 5th instant, calling upon



upon him to state how the Cases Nos. 8 and 9 on the file of the Session Court, came before the Deputy Magistrate in the first instance, whether by order of the officer presiding in the Civil Court, and if so, who that officer was.

(Here enter F. A. No. 1181 of 1860.)

The Foujdarry Adawlat

1. are of opinion that the second Count in Case No. VIII was improperly introduced by the Sessions Judge. The matter therefore should have gone through the Magistrate and the Committing Officer in the same manner as did the matter of the primary Count, and there is nothing in Act XIII of 1850 to authorize a different Course. The prisoner's Conviction on this particular Count must therefore be set aside, and the sum of fine imposed upon him in respect thereof, must be remitted.

2. The Court observe that the prisoner as Sheriff was intrusted with duty not properly belonging to his situation, and that the temptations to which he yielded should

should not have been put in his way.
The effecting all remittances from the
Court should be the act of the Serishtadar
and the responsibility attaching to this
branch of duty, should rest exclusively
with him. The Court desire that this
Course be observed in future.

The following Miscellaneous
Petitions are rejected, Viz:- Nos 189 & 190 of 1860.

Jno Williams

Entd E.T.



F.D.

Thursday,
23d August 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire
H.D. Phillips Esquire
H. Forbes Esquire
} Puisne Judges

Read letter under date
the 14th August 1860, from the Session
Judge of Nundial, proposing that
cases of assault by natural born
British subjects in Kurnool be
cognizable originally by the Ma-
gistrate as Justice of the Peace or
while at the station, as are such
cases committed out of Kurnool,
on the ground that as there is
no separate Subordinate Judge
at the station, the only appeal,
if the case be originally tried by
the Session Court, would be to
the Court of Foujdarry Adawlat,
and considerable expense and hardship,

arising

arising from the distance and other circumstances, would unavoidably attend the appeal.

/Here enter No. 1333 of 1860./

The Foujdarry Adawlat request that the Magistrate will state whether he has any objection to make to the Session Judge's proposal.

Read Calendar of Case No. 27 of 1860 on the file of the Session Court of Trichinopoly.

/Here enter No. 1342 of 1860./

1. The Session Judge recommends that the 1st prisoner in this case, who has been convicted on a charge of "Robbery by open violence" and sentenced to 14 years' imprisonment with hard labor in irons, be banished to Rajahmundry. Vyapoory

2. The Court of Foujdarry Adawlat direct that the prisoner be sent to the Jail at Vellore,

and

23d. August 1860.

and there be made to undergo the sentence passed upon him.

(Sd.) Jno. Withers

Ext. Elli.

N. A.

Friday 24th August 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire
H. D. Phillips Esquire
H. Frere Esquire
} Puisne Judges.

Read letter under date the 3d. August 1860, from the Session Judge of Cuddapah.

/Hereunto. No. 1268 of 1860./

The Session Judge forwards, together with other papers in elucidation of the matter at issue between himself and the Subordinate Criminal Judge, an original letter from the latter Officer to this Court, wherein he solicits the opinion of the Judges whether their Circular Order of the 12th. April 1850 pointing out that when prisoners are sentenced to furnish security the surety

surety or sureties should become
bail in the amount prescribed,
and that the mere deposit of the
amount by the party held to se-
curity was not contemplated by
the Legislature, applies to the case
of prisoners who, after furnishing
the security to which they have
been held on account of strong
suspicion existing against them
of having committed murder,
and also offering to deposit in
Court the full amount of se-
curity demanded, pray that,
in lieu of being committed
to prison and so being subjected
to disgrace and difficulty, they
may be detained in custody as
under the charge of the Court
Nazir, pending the necessary
enquiry as to the competency of
the security tendered; and, if it
does not apply, where the line is

to



to be drawn, as every security pri-
soner may in future claim a si-
milar indulgence, and, by naming
men of no respectability, may eva-
vade the sentence passed upon them.

The Session Judge also adverts to the
comments and strictures passed by
the Subordinate Criminal Judge on
his Proceedings directing, in reversal
of the latter Officer's decision, com-
pliance with the prayer of the
prisoners, which comments and
strictures the Subordinate Criminal
Judge states were applied by or
him to the grounds on which
the Vakeel in his own Court
originally based the petition on
behalf of the prisoners, and not
to the orders of the Session Judge.

2. The proceedings of the
Foujdarry Adawlat of the 12th April
1850, though not based upon cir-
cumstances identical with those

of

of the case now in question, appear to them applicable to, and in effect to embrace, three circumstances, the proper condition of a prisoner who has been subjected to a requisition for security being either to be at large upon such security, or in jail. Such, moreover, as noticed by the Subordinate Criminal Judge, were the terms of the Warrant under which the prisoners were committed to his custody. The Court are of opinion, however, that labor should not be exacted from prisoners who have tendered security, pending inquiry into the goodness of the security, unless it be apparent that the tender is a hollow one made merely to avoid being put to labor. Had this degree of relief been accorded to the prisoners in question, they would have



have been subjected to nothing that they could reasonably have complained of.

3. The Court are also bound to accept the explanation of the Subordinate Judge that the remarks he made on the conduct of the Vakeel, at the close of his communication to the Session Judge of the 25th July, refer to the Vakeel appearing in his own Court, and not to the Vakeel in the Session Court, or to the proceedings in that Court. It is thus also that the Court read the heading to the Order of the Session Judge of the 16th July wherein it appears to them that the argument commented on by the Subordinate Judge is recounted as one offered to him. It is, however, much to be regretted that the Subordinate Judge made use of the expressions in question.

The

24th August 1860.

The Vakeel was quite at liberty to urge his argument upon the Subordinate Judge in behalf of his clients; and to stigmatize him thus for so doing, is an interference with that independence of the bar which it is so important to cherish. The Subordinate Judge's addressing these remarks to the Sessions Judge were, moreover, calculated to raise the impression that has been created in the mind of the Sessions Judge that his own proceedings were reflected on, seeing that the probability was that he had accepted the argument in question in yielding to the prayer of the prisoners.

Jno Wilkins

Esqrs Esqrs

5

J. A.

Saturday. 25th August 1860.

At a Court of the Magistracy Adawlut

Present

J. Lo. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Frere Esquire

Read Miscellaneous

Petitions presented on the 25th Ultimo by J. D. Mayne Esquire Pleader on behalf of Narrasinga Chard and 6 others, 20th to 26th prisoners in Calendar No. 1 of 1860 on the file of the Sessions Court of Nellore.

(Corrected M. P. No. 225 of 1860)

Mssrs Strange and Frere. Petitioners appealed from the sentence passed upon them by the Sessions Judge in Case No. 1 aforesaid.

2. The Court see no ground for interfering with the Sessions Judge's sentence so far

for as regards the 22d, 23d, 24th, 25th and 26th prisoners. They resolve, however, to send for translation of so much of the record as reflects the 20th and 21st prisoners.

Precept returnable within XV days from and after its receipt.

Read Criminal Report B submitted by the Acting Sessions Judge of Bellary for the month of July 1860.

(Hereunto No. 1326 of 1860.)

The Sangdarry Adawlut consider the sentence passed in this Case a heavy one for a Prisoner confined only in default of security. They request the Acting Sessions Judge will state whether the sentence might not be reduced.

Precept returnable within 11 days from and after its receipt.

Read Miscellaneous Petition received

No 86
By the Principal Sudder Ameen
Enclosing from
Custody.



received on the 10th July 1860, through the Sessions Judge of Mangalore, from Saidu Hajee and Hammade of that zillah.

(Hereunto No. P. No. 1944 of 1860.)

Mess. Shaw and Frere.

1. This is an appeal from the sentence passed in Case No. 26 of 1860 on the Calendar of the Sessions Court of Mangalore.

2. The Sangdarry Adawlut resolve to call upon the Sessions Judge to submit an English translation of the record of trial connected with the case in question, for their consideration.

Precept returnable within XV days from and after its receipt.

Read Miscellaneous Petition presented on the 25th instant, by V. Sadasopa Charlu, Pleader on behalf of Aiya Kaun dan, 19th prisoner in Calendar No.

25th August 1860.

No. 148 of 1860 on the file of the Sessions Court of Chittoor.

(Here enter No. 9 No. 258 of 1860.)

1. Petitioner, intimating his intention to appeal from the sentence passed upon him in the aforesaid case, prays that orders may be issued for the suspension of the corporal punishment awarded against him, or pending the determination of his appeal. — Messrs Strange and Frere.

2. The Court of Foujdary Adawlut resolves to direct the Sessions Judge of Chittoor not to carry out the corporal punishment to which the Petitioner, 19th Prisoner, has been sentenced, until further orders.

Read Calendar of Case No. 54 of 1860 on the file of the Sessions Court of Masulipatam.

(Here enter No. 1361 of 1860.)

The Foujdary Adawlat observe

25th August 1860.

observe that the charge is defective by framed in both counts. In the first the feature of malice prepense is wanting, and the second does not show that the accused withheld information in order to suppress the commission of the crime and to screen the accused.

Read letter, under date the 14th August 1860, from the Sessions Judge of Nundial, requesting to be informed whether parties to criminal charges or their Vakeels should obtain any copies they may require of the record sent up to the Court in committed cases from the committing officer, before commitment, or from the Court on the arrival of the case.

(Here enter No. 1332 of 1860.)

The Foujdary Adawlat observe that the Judge is not bound

bound to give copies of any record in a case still pending before him; the practice is objectionable and likely to defeat the ends of justice.

Read Calendar of Case No 10 of 1860 on the file of the Sessions Court of Chicacole.

/Here enter No 1359 of 1860./

The Sanjdarry Adawlut observe that the charge does not contain the circumstances necessary to constitute the crime of gang robbery.

Read Calendar in Cases No 54 and 55 of 1860, submitted by the Sessions Judge of Calicut under date the 4th instant.

/Here enter No 1294 of 1860./

The facts of the Case in No 54 show that the charge should have been of Robbery by open violence.

Read Criminal Report submitted



submitted by the Agent to the Governor in Vizagapatam for the month of July 1860.

/Here enter No 1371 of 1860./

The fine imposed upon the Prosecutor in the case entered in the above report was irregular. The Sanjdarry Adawlat therefore, direct that it be returned.

Read Criminal Report B submitted by the Acting Sessions Judge of Masulipatam for the month of July 1860.

/Here enter No 1358 of 1860./

No 36 and 48. "Housebreaking and Theft."

The Court consider the sentence passed in these cases too light a one for so serious an offence.

No 52. "Fraud".

2. The charge in this case should have been headed "Theft," not "Fraud".

Read Miscellaneous Petition presented on the 25th July 1860, by Mr. Venkatarangaiah Naigudu,

Vinguden, Pleader on behalf of
Virapen and others, 3rd, 4th, 5th
and 6th prisoners in Calendar
No. 32 of 1860 on the file of the
Sessions Court of Chittoor.

/Here enter S. Mo. P. No. 22 of 1860./

1. Petitioners appeal from the sentence passed upon them by the Sessions Judge in the aforesaid case. Messrs. Strange and Thorn.

2. The Court of Foujdary Adawlut resolve to direct the Sessions Judge of Chittoor to submit an English translation of the record connected with the case in question, and in the meanwhile to suspend the corporal punishment to which the prisoners have been sentenced.

3. The Court further observe that the Calendar should have described the various articles of stolen property found with the prisoners respectively, and the



the value thereof. They desire that the omission be now supplied.

Precept returnable within six XV days from and after its receipt.

Read letter dated 17th instant, from the Assistant Magistrate of Palacaumund, requesting to be informed whether the manufacture and sale, in this country, of a liquor under the name of "Ginger wine", but which has been found to contain a considerable quantity of alcohol is allowable under Regulation 1 of 1820 &c.

/Here enter No. 1354 of 1860./

1. The Judges are of opinion that the article in question is not one to the prohibition of which Section III Regulation 1 of 1820 applies.

2. The Judges observe that the Assistant Magistrate should have submitted this

question

25th August 1860.

question through the Magistrate and Sessions Judge who are the proper channels of communication with the Foujdarry Adawlat in such matters.

The following Miscellaneous Petition is rejected Viz.

No 226 of 1860.

Ex Exhibit.

No Witness.

F. A.

Tuesday 28th August 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire.

Read again Calendar of Case No 16 of 1860, on the file of the Session Court of Combaconum.

/Here enter No 1213 of 1860/

Read also return and final return dated respectively the 7th and 17th August 1860, to the precept of the Foujdarry Adawlat under date the 28th July last, directing the Session Judge to forward for their consideration a translation of the prisoners' statements before the Police and the Subordinate and Session Courts, those of the 2d, 7th, 8th and 9th witnesses,

the

the plans and a memo. of the distance between the 1st witness and 2d prisoner's village from the 1st prisoner's house to the tank referred to, and from the tank to the field where the corpse was lying.

/Here enter Nos 1284 and 1345 of 1860/

1. The evidence of the witnesses whose statements have now been forwarded by the Acting Session Judge, is replete with contradictions throughout. It is also most improbable that if the prisoners had murdered the deceased, they would have carried the corpse in a dooly in a public manner as stated by the witnesses. That they should have deposited it close to the village of the 1st witness, uncle of the deceased, and virtual Prosecutor in this case, and should then have immediately informed him of the death of his nephew, is still more incredible.

That



That the body was so carried to the 1st witness' village is apparent from the plan, though the remarks of the Acting Session Judge on this point are ambiguous.

2. The Acting Session Judge has also stated in his remarks that according to the evidence of the 2d and 3d witnesses, wounds were perceptible on the body of the deceased. On reference however to the evidence itself, the Court find that the 2d witness only stated the fact of the cloth under the head of the deceased being saturated with blood, a fact quite consistent with the statement of the prisoners that the deceased died from consumptive cough, of which, as is well known, the bursting of a bloodvessel is a very common symptom.

3. The papers now forwarded have

have left a very strong impression on the Courts mind that no murder was committed; they therefore direct the Acting Session Judge to release the prisoners unconditionally, discharging the securities if already taken.

Read letter dated 22d August 1860, from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdarry Adawlat, the record of Case No. 94 of 1860 on the file of the Session Court.

(Here enter No. 1383 of 1860.)

The Court of Foujdarry Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Nursinga, is sufficient to convict him of gross and culpable neglect of duty in connivance at the escape of a prisoner.

Mr. Strange.

do



do convict him thereof; and under the provisions of Clause 1st, Section XI, Regulation XIII of 1832, sentence him to simple imprisonment, for and during the period of (4) four months.

1. The Foujdarry Adawlat observe inaccuracies in the letter of reference and Futwah. In the former the Session Judge observes that the accused stated in defence that he let the prisoner (4th witness) out of the lock up in order that he might be taken to the rear with the others, and that he intended to put him in again on their return, whereas the Court find the prisoner stated that when the others came out to go to the rear he (that is the 4th witness) came out also, and that he meant to have locked him in with the others when they returned.

2. The Moofty observes one that

persons who witnessed the confession of the 1st and 2d prisoners before the Assistant Agent.

25th August 1860.

[Here enter No. 1302 of 1860.]

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

Messrs Strange and Phillips.

1st Halinju Lakshmanapadi
2d Khondo Chitha,
and

"Murder."

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

The Court of Foujdarry Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of

F. P.
28th August 1860.

of opinion that the proof against the prisoners,

3d La Ka Gowda,
4th Hunnu Gowda,
5th Halu Gowda, and
6th Buntha Junna,

"Murder."

is sufficient to convict them of being accessaries after the fact to the crime charged, do convict them thereof; and under the provisions of Clause third, Section VII, Regulation XV of 1803, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (1) one year.

The Foujdarry Adawlat point out to the Assistant Agent that the confessions made before him by the 1st and 2d prisoners should have been taken down by him de novo and in detail instead of a memo being added to the

the Police declarations of the pri-
soners, to the effect that these
declarations had been confirmed
in his presence, and the Court
also point out to the Agent that
the said confessions should
have been proved before him.

2. The Court further ob-
serve that the Agent in his let-
ter of reference says he sentenced
the 1st and 2d prisoners to be hanged
(subject to confirmation by the
Foujdarry Adawlat), and the re-
maining 8 prisoners to be impri-
soned with hard labor for one
year. The Agent has no such power.
He is to propose to the Foujdarry
Adawlat the sentences he may think
appropriate in a case like the pre-
sent, but when he has to refer a
trial to the Foujdarry Adawlat,
he himself can pass no sentence
upon any one of the accused.

Ens Esq.

Wm. Millnes

F. A.

Thursday,
30th. August 1860.

At a Court of the Foujdaree Adawlat

Present.

F. L. Strange, Esquire
H. D. Phillips, Esquire
H. Pyere, Esquire

} Three Judges.

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Read Calendar of Case No. 22 of 1860, submitted by the Acting Session Judge of Tellichery under date the 21st. instant.—

/Here enter F. A. No. 1389 of 1860./

The Foujdaree Adawlat observe that the Regulation quoted in support of the sentence passed upon the 1st. Prisoner in this case is not applicable, for no corporal injury is said to have been sustained by the witnesses. The Prisoners should therefore have been sentenced under Section XXI Regulation VII of 1802, and mitigation applied for in the case of the 2d. Prisoner.

Read order of Government dated the 21st. August 1860, referring to the Foujdaree Adawlat for report, a letter from Mr. Fischer, complaining of the irregular proceedings of Mr. Hodgson, the Subordinate Judge of Salem, in instituting and trying a charge against him of "compounding felony," and detailing Mr. Hodgson's inconsistency of conduct in a case of embezzlement brought before him for trial.

/Here enter F. A. No. 1355 of 1860./

The Court of Foujdaree Adawlat

direct

direct that a copy of Mr. Fischer's letter be forwarded to the Subordinate Judge of Salem for any explanation he may be able to offer on the serious allegations contained therein particularly in paras 7. 8. 9. 14 and 19. 30th August 1860.

2. They would call the attention of the Subordinate Judge especially to Mr. Fischer's allegation that the case of Embezzlement in which Ramier was a prisoner had been already committed to the Sessions Court prior to the institution of proceedings against Mr. Fischer on the charge of compounding felony, and they direct that the Subordinate Judge will distinctly state what led to his re-opening the charge against Ramier after he had once ordered it for commitment, and the date on which this case was committed to the Sessions Court; and also to explain on what information and at whose instance proceedings were instituted against Mr. Fischer, and the date of the charge in this latter case. —

3 The Subordinate Judge will also state whether the accompanying marketed depositions 1 to 12 enclosed in Mr. Fischer's letter are correct, and he is directed to forward a translation of the draft bond alluded to by the 1st Witness, Venkatasiah. —

By receipt returnable within X days from and after its receipt. — ✓

Thos Williams

Ent. Pd. E.P.

Read letters dated 22d June & 6th August 1860, from the Agent to the Governor in Guinjam, submitting for the final Judgement of the Sudder Court, the Record of

30th August 1860. of Case No. 8 of 1860 on the Calendar of the Agent's Court.

[Here enter S.C. No. 1065/1385 of 1860]

Mr. H. Freere. The Sudder Court, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner,

"Murder." Vochuta Chetty, is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to be transported to such place or places beyond Sea, as the Government may direct, there to be imprisoned, and kept to hard labor on the public roads or other public works, for and during the period of his natural life. Thos Williams

Ent. Pd. E.P.

T. A.

Wednesday 29th August, 1860. At a Court of the Fouzdarry Adawlat.

Present

J. L. Strange, Esquire
H. D. Phillipps, Esquire } Puisne Judges.
H. Ivere, Esquire

Read Calendar of Case No. 12 of 1860 on the file of the Session Court of Chicacole.-

/Here Enter T. A. No. 1370 of 1860/-

1. The Session Judge recommends that the Prisoner in this case, tried and convicted on a charge of "Snatching", and sentenced to 7 years' imprisonment with hard labor in irons and to receive 100 lashes with a cat of nine tails, be banished to another and a distant Gaol, on the ground that he has already been three times in Jail and twice severely flogged:-

The

2. The Foujdarry Adawlat do not consider that any grounds for banishing the Prisoner have been made out. The measure is one to be resorted to where the prisoner's presence within the Zillah is likely to be noscious in reference to his connexions there, but in the present instance no such reason for recommending the banishment of the prisoner appears.

Read Criminal Report B, submitted by the Sessions Judge of Madura, for the month of July 1860.

/Here Enter F. A. No. 1323 of 1860/

The Foujdarry Adawlat observe that in these cases, wherein the accused were convicted, the circumstances charged against them should have been given.—

Nos. 26 and 27. By the Joint Magistrate.

Read Criminal Report A, submitted by the Sessions Judge of Guntoor, of Case No. 34 of 1860

disposed



disposed of by that officer in the month of August.—

/Here Enter F. A. No. 1372 of 1860/

1. The Prisoners in this case, three in number, were committed on a charge of House breaking with Theft, but no evidence appearing against them, they were, without being put on their trial, sent back by the Sessions Judge in order that the Magistrate may act as he considers best as to unconditionally releasing them or otherwise.—

2. The Foujdarry Adawlat are of opinion that the Sessions Judge having the prisoners before him should have proceeded to the trial of the case, and have given the prisoners the benefit of his judgement upon it.

3. The prisoners should not be subjected to further proceedings on the same charge. The Court therefore direct that they be set at large unconditionally.

Read

29th August 1860.

Read Criminal Report

B, submitted by the Sessions Judge of Coimbatore, for the month of July 1860.

/Here enter F.A. No. 1375 of 1860/

No. 15.

By the Assistant Magistrate of Palacaumcotta

The sentence passed in this case appears to the Foujdarry Adawlat a heavy one. They request that the Sessions Judge will review the case and submit a report thereon for their consideration.—

The Written

Ld. Et.

Friday,
31st August 1860.

At a Court of the Foujdarry Adawlat.

Present.

F. L. Strange Esquire
H. D. Phillips Esquire — Puisne Judges.
H. Frere Esquire

Read letter under date the 21st August 1860, from the Acting Session Judge of Salem.

/Here enter F.A. No. 1380 of 1860/

With reference to the remark contained in this Court's Proceedings of the 7th Instant, in regard to case No. 24 disposed of by the Acting Head Assistant Magistrate in June last, that the Court have repeatedly ruled that irons should not form part of a Sentence for Assault, the Acting Session Judge requests instructions for his future guidance, as he cannot understand how "Hard labor" can be carried out under the present Jail System if irons are not imposed.—

2 The Foujdarry Adawlat do not understand wherein consists the difficulty. There are Prisoners, security ones for example, who are subjected to labor without irons, and those in question may be similarly worked.—

Read Petty Calendars submitted by the Session Judge of Chittor, for the 2d Quarter of 1860.—

/Here enter F.A. No. 1378 of 1860/

The

31st August 1860.

1 The circumstances demonstrative of the illegality of the acts charged against the Prisoners in the 1st count of the charge should have been specified therein.

2 The purpose of the bribe should have been mentioned.

3 The Prisoner should also have been charged with extortion.

4 The circumstances under which the money was extorted should have been mentioned in the charge.

5 The circumstances under which the bribe was extorted and the prosecutor confined should have been set forth in the charge.

6 The nature of the order which the Prisoners are charged with having resisted should have been stated.

No 62 "Abuse of Authority" By the acting Joint Judge
No 62 "Abuse of Authority Bribery" By — Do —

No 63 "Bribery" By — Do —

No 70 "False personation of a Police officer" By the Asst Magistrate

No 71 "Extortion" No 75 & 80 "Abuse of authority" By the Asst & Dy Magistrate

No 85 "Assault & Abuse of Authority" By the Dy Magistrate of North Arcot.

No 87 "Resistance" By the Dy Magistrate of the

Read Calendar of cases Nos 5.6. 7 & 8 of 1860 on the file of the Session Court of Chicacole.

/ Here enter F. C. No 1397 of 1860 /

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

x Kosiaw Ramaraz x

/ 18 / Eighteen months.

Read Calendar of Case No 61 of 1860 on the file of the Session Court of Nundial.

/ Here enter F. C. No 1391 of 1860 /

Adverting

31st August 1860.

Adverting to the opinion formed by the Session Judge of the character of the Proceedings taken in this case by the local Police, the Fouzdarry Adawlat are of opinion that a transcript of the Calendar should be forwarded by the Session Judge for the information of the Inspector General of Police, with reference to the provisions of section XLIV Act No XXIV of 1859, in regard to the punishment of false, vexatious or frivolous charges by officers of Police. —

No witness

Read letter dated 23d August 1860, from Lt. E.T. the Session Judge of Chittoor, submitting for the final judgment of the Fouzdarry Adawlat, the record of case No 53 of 1860 on the Calendar of the Sessions Court

/ Here enter No 1404 of 1860 /

Mr D. L. Strange.

The Court of Fouzdarry Adawlat, 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 Domara Pareya Papen

and

3d Domara Moonegador,

"Highway Robbery"

is sufficient to convict them of the offence charged, do convict them thereof, and under the provisions of clauses 3d & 5th Section IV Regulation XV of 1803, sentence them to be imprisoned and kept to hard labor in Irons on the public roads or other public works, for and during the period of / 8 / eight years. —

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

prisoner,— 31st August 1860.

2d Domara Ramoodoo,

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

Ent. 87



J. J.

Saturday, 1st September 1860.

Mr Court of the Joy[illegible] Adawlut.

Present.

J. L. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Ivers Esquire

---

Road Miscellaneous Petition presented on the 28th July 1860, by J. Miller Esquire, Pleader on behalf of C. Srinevasa Aiyangar, of zillah Chittoor.

(Here enter M. P. Nos 227 and 228 of 1860.)

Messrs Phillips and Ivers. Petitioner seeks for the reversal of the orders passed by the Sessions Judge under date the 21st April 1860, confirmatory of the joint Magistrate's proceedings, whereby that officer dismissed the charges preferred by the Petitioner against Ramasuja Aiyangar and another, accusing

accusing them of having taken forcible possession of his property consisted partly in the Bungalow No 28 in the Military line at Vellore, and partly in the Anderson's Bungalow forming the Petitioner's share of the family property.

2. As it does not appear from the proceedings of the Sessions Judge dated the 21st April 1860, whether the order appealed against has been passed on a consideration of the record of the police and magisterial proceedings, the Foujdarry Adawlat resolve to draw the Sessions Judge's attention to the necessity of calling up those proceedings if they have not already been before him.

3. The Foujdarry Adawlat also draw attention to the Section marginally noted of the rules for granting copies of papers, and direct that the appellant

* Section 17 of 21st March 1860



appellant be supplied with a transcript of the Police Ameen's report if he still desires ... to have it.

Read Miscellaneous Petition presented on the 11th July 1860, by S. Tirumala Chari, Pleader on behalf of Lutcha Gounden, of Tillak Salem.

/Here enter M. P. No 212 of 1860./

Messrs Phillips and Ivers.

Petitioner appeals from an order of the Acting Sessions Judge of Salem under date the 12th April 1860, confirmatory of the Joint Magistrate's proceedings, whereby a certain land belonging to the Petitioner was ordered to be placed in possession of his opponent Sheregada Gounden.

2. The Court of Foujdarry Adawlat observe that in this case the Acting Sessions Judge has simply confirmed the order of the Joint Magistrate, without

without stating the grounds of his judgment.

3. The Court request that the Acting Session Judge will be pleased to afford some explanation on this point, and to state whether he finds that Shungoda Gounden, the Petitioner's opponent, was in peaceable possession at the time that the present dispute originated.

Precept returnable within 7 days from and after its receipt.

The following Miscellaneous Petition is rejected, Viz.

No. 232 of 1860.

Ex. & Ct. No. Williams



F. J.

Monday 3d September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire.
H. D. Phillips Esquire.
H. Frere Esquire.
} Puisne Judges.

Read letter dated the 21st. August 1860, from the Session Judge of Mangalore, submitting for the final judgment of the Foujdarry Adawlat the record of Case No. 31 of 1860 on the Calendar of the Session Court.

(Here enter No. 1401 of 1860.)

Messrs Phillips and Frere.

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

Tanda

is sufficient to convict him of the offence.

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

Read letter under date the
17th. August 1860, from the Agent to the
Governor in Ganjam, requesting to
be informed whether the affixing
of an old or previously used label
on a letter with intent to defraud
should be considered a Criminal
offence under Act XVII of 1864.

(Here enter No. 1402 of 1860.)

1. The Foujdary Adawlut
resolve to forward to the Agent to
the Governor, through the Session
Judge, a copy of their proceedings
dated the 10th. June 1856 containing
their ruling on the above point.

2. They would at the same
time point out that this reference
should



should have been made through
the Session Judge to whose act it
refers; but if the Agent thought
it best, for reasons not shown
or inferible, to make it direct, he
should have submitted a copy of
the Session Court's proceedings of
the 10th. instant.

Read Calendar of Case
No. 13 of 1860, on the file of the Ses-
sion Court of Chicacole.

(Here enter No. 1409 of 1860.)

* Inaddila Ramudu. 1. The Prisoner in this case, tried on a charge of Theft, has been convicted on the second count only, that is, being in possession of stolen property, and sentenced to five years' imprisonment with hard labor in irons and to receive 60 lashes with a cat of nine tails. And the Session Judge recommends that, for the reason stated, the prisoner be confined in some

distant

distant Gaol.

2. The Foujdarry Adawlut observe that the evidence would have amply justified a conviction on the first count also. If the 1st witness's statement as to the mode of entry was accepted, the case would amount to House-breaking and theft.

3. The Court direct that the prisoner's sentence be carried out in the Gaol at Rajahmundry.

To the Sessions Judges of Chittoor Gaole and Rajahmundry.

Read Calendar of Case No. 24 of 1860 on the file of the Session Court of Tinnevelly.

[Here enter No. 1417 of 1860]

1. The Officiating Sessions Judge recommends that the three Prisoners in this case, tried and convicted on a charge of "Forging Coins and being found in possession of Counterfeit coins and implements for manufacturing the same Knowingly" and sentenced to ten

1 Kirisha Tavee.
2 Pandaram.
3 Inulla Rowthen.



ten years' imprisonment with hard labor in irons and to receive 100 rattan lashes with a cat of nine tails, may be sent to the jail at Chittoor for the purpose of undergoing their sentence.

2. The Foujdarry Adawlut direct the Prisoners be banished to the Jail at Cuddalore.

Copy to the Sessions Judge of Cuddalore.

No witness

Ex Exa.

# J. A.

Tuesday, 4th September 1860. At a Court of the Joujdary Adawlat.

Present:

J. L. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Irvine Esquire

Read letter dated the 27th August 1860. from the Sessions Judge of Cuddalore, submitting for the final Judgment of the Joujdary Adawlat, the record of case N°24 of 1860 on the Calendar of the Sessions Court

(Here enter N°1411 of 1860)

Mess^rs Phillips and Irvine. The Court of Joujdary Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner,

Cundusspa Chetty,

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

Read

4 September 1860.

Read letter dated the 29th August 1860,
from the Session Judge of Coimbatore, submitting for
the final Judgment of the Zoyidary Adawlat,
the records of case No. 2 of 1860 on the Calendar of the
Session Court.

/Here enter No. 1425 of 1860/

The Court of Zoyidary Adawlat, Mr. T. L. Strange
on a deliberate consideration of all the circumstances
of the case in evidence before them, being of opinion that
the Prisoner,

Sheik Boodun,

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

Entd EJ. Jno Wilkins

Wednesday,
5th September 1860.

F. A.

At a Court of the Zoyidary Adawlat.

Present

T. L. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Frere Esquire

Read Calendar of Case No 46 of 1860 on
the file of the Session Court of Salem.

/Here enter F. A. No. 1414 of 1860/

The Prisoner in this case, tried on a
charge of "Breach of Trust," has been acquitted and
released on the ground that the principal witness, exam-
-ined by the Head Assistant Magistrate, who first
tried the case, was not again to be found, and the
evidence without him proves almost worthless.

2 The Zoyidary Adawlat call the
attention of the acting Session Judge to their Circular
Proceedings of the 10th January 1859, wherein they ruled
that petty cases of the kind might be tried under
the current Regulations and were not necessarily to be
committed to the Session Court, excepting cases in
which

which it may be deemed convenient or expedient to indict a party under act XIII of 1850. 5th September 1860.

3. The Court observe that neither the sentence of the Sessions Judge nor the Futwa of the Law Officer discloses the grounds on which the charge has been founded.

Read Petty Calendars, submitted by the Sessions Judge of Cuddapah, for the 2d Quarter of 1860.

/Hereunto F.A. No 1424 of 1860/

The Foujdary Adawlat consider that the strictures passed by the Sessions Judge on the conduct of the Deputy Magistrate, with reference to cases Nos 94 and 95, are fully justified by the facts as reported - The Deputy Magistrate should be seriously warned against disposing on his own authority, of any cases in future, of so grave a character -

2 The Marginal note on No 94 is evidently an error. The defendants, or rather Prisoners, as they should have been termed, in case 94, appear to be Prosecutors in No 95.

Read

5th September 1860.

Read Petty Calendars, submitted by the Officiating Sessions Judge of Tinnevelly, for the 2d Quarter of 1860.

/Hereunto F.A. No 1425 of 1860/

No 52 "Breach of Contract"
By the Acting Head Assistant Magistrate.

The Foujdary Adawlat observe that the charge does not allege matter bringing the case within the terms of Act XIII of 1859.

Read Calendar of case No 47 of 1860 on the file of the Sessions Court of Cuddapah -

/Hereunto F.A. No 1421 of 1860/

As herein recommended, the Court of Foujdary Adawlat resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case -

* A. Casare Nagadoo
/3/ Three years

Read again Criminal Report B, submitted by the Acting Sessions Judge of Bellary, for the month of July 1860.

/Hereunto F.A. No 1326 of 1860/

Read also Return to the precept of the Foujdary Adawlat under date the 25th August 1860,

calling

which it may be deemed convenient or expedient to indict a party under act XIII of 1850.

5th September 1860.

3.

The Court observe that neither the sentence of the Sessions Judge nor the Futwa of the Law Officer discloses the grounds on which the charge has been founded.

Read Petty Calendars, submitted by the Sessions Judge of Cuddapah, for the 2d Quarter of 1860.

/Here enter J.A. No 1424 of 1860/

The Foujdarry Adawlat consider that the strictures passed by the Sessions Judge on the conduct of the Deputy Magistrate, with reference to cases Nos 94 and 95, are fully justified by the facts as reported - The Deputy Magistrate should be seriously warned against disposing on his own authority, of any cases in future, of so grave a character -

2 The marginal note on No 94 is evidently an error. The defendants, or rather Prisoners, as they should have been termed, in case 94, appear to be Prosecutors in No 95 -

Read

5th September 1860.

Read Petty Calendars, submitted by the Officiating Sessions Judge of Tinnevelly, for the 2d Quarter of 1860.

/Here enter J.A. No 1425 of 1860/

No 52 "Breach of Contract"
By the Acting Head Assistant Magistrate.

The Foujdarry Adawlat observe that the charge does not allege matter bringing the case within the terms of Act XXIII of 1859.

Read Calendar of case No 47 of 1860 on the file of the Sessions Court of Cuddapah -

/Here enter J.A. No 1421 of 1860./

As herein Recommended, the Court of Foujdarry Adawlat resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case -

× A. Dasara Nagadoo
/3/ Three years

Read again Criminal Report B, submitted by the Acting Sessions Judge of Bellary, for the month of July 1860.

/Here enter J.A. No 1326 of 1860./

Read also Return to the precept of the Foujdarry Adawlat under date the 25th August 1860,

calling

calling upon the Acting Sessions Judge to state whether the Sentence in Case No. 86 on the Principal Sudder Ameens file might not be Reduced.

/Here enter F.d. No. 1433 of 1860/

1 The Sunjdany Adawlat direct that the Reduction of Sentence in the above case proposed by the Acting Sessions Judge, that is from 6 to 4 months imprisonment with hard labor in irons, be carried out.

2 At the same time the Court do not concur in the Acting Sessions Judge's Reasons for not mitigating the Sentence still further.

Read again Criminal Reports, submitted by the Acting Sessions Judge of Salem, for the Month of June 1860.

/Here enter F.d. No. 1248 of 1860/

Read also letter dated the 30th Ultimo, from the same officer, forwarding copy of a letter from the Deputy Magistrate, offering an explanation on the Remarks made by the Higher Court on Report B for June last in Nos. 26 and 27 of 1860. "Breach of Contract" disposed

5th September 1860.

of by him.

/Here enter F.d. No. 1423 of 1860/

The Sunjdany Adawlat consider that the error in these cases has arisen from the imperfect manner in which the Sentences have been entered in the B Report forwarded by the Magistrate. The explanation now submitted by the Deputy Magistrate and the Acting Sessions Judge is satisfactory.

W.C. Irvine

Ent. E.P.

# F. A.

Thursday, 6th September 1860.

At a Court of the Foujdarry Adawlat.

Present.

S. L. Strange Esquire
H. D. Phillips Esquire
H. Strere Esquire
} Puisne Judges.

Read letter dated 11th July 1860.

from the Sessions Judge of Rajahmundry.

Submitting for the final Judgment of the Foujdarry Adawlat, the Records of cases Nos. 21 and 22 of 1860 on the Calendar of the Sessions Court.

(Here enter No. 1127 of 1860.)

The Court of Foujdarry

Mr. H. D. Phillips. Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

Dudakula,

6th September 1860.

Dudakula Khadanu,

is sufficient to convict him of Culpable Homicide,
do convict him thereof; and under the provisions
of Clause 2d, 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 (5) five years.

J W Williams

E.B. E.P.

"Murder"

Friday,
7th September 1860.

# F. A.

At a Court of the Foujdarry Adaulat.

Present

S. L. Strange Esquire
R. D. Phillips Esquire
H. Frere Esquire
} Puisne Judges.

Read Calendar of case
No 44 of 1860 on the file of the Session Court
of Coimbatore.

(Here enter No 44 of 1860)

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

No Good
(4) four years.

Read Calendars of cases Nos 6 and
27 of 1860 on the file of the Session Court of
Cuddalore.

Seed & alore

7th September 1860.

(Here enter Nos 1469 and 1450 of 1860.)

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

× 1st Sooxary Carcathan.

(7) Seven years.

Wm Wilkins

Esqrs &c.

1

F. J.

Saturday, 8th September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Le. Strange Esquire.
H. D. Phillips Esquire.
H. Spens Esquire.
} Puisne Judges.

Read letter under date the 27th ultimo, from the Session Judge of Cuddapah.

(Here enter No. 1415 of 1860.)

In the above letter the Session Judge brings to the notice of the Foujdarry Adawlat the apparent anomaly created by their Circular Orders dated 18th January 1859 and No. 199, which direct that sentences of corporal punishment awarded by Session and Subordinate Courts and by the Magistracy, when exercising their extended powers under Section 54, Act VII of 1843, be not carried into execution until sufficient

time

time has elapsed, to enable the prisoner to appeal against such award and to obtain the orders of the superior Higher Court; while the Magistracy when exercising their ordinary powers, may order the immediate carrying out of such sentences passed by them under Section XXXIII, Regulation IX of 1816.

2. The Court of Foujdarry Adawlat observe that the cases are different. In the higher class of offences imprisonment forms an essential part of the sentence, and there is no hardship or inconvenience created by suspending corporal punishment, ordered in addition to imprisonment, until the supervising authorities may have the opportunity of judging of the propriety of the sentence. In the petty cases referred to by the Session Judge, there is no other punishment to be awarded



awarded but the lashes, and it is to would be imposing additional punishment on the party to direct his detention until the sentence might be subjected to supervision. It is for this reason that the sentences in these petty cases are allowed to be carried out at once, the nature of the case not allowing of any other course.

Read case No. 96 of 1860, on the Calendar of the Session Court of Bellary.

(Here enter No. 1444 of 1860.)

The Acting Session Judge having dissented from the future of the Mahomedan Law Officer as to the conviction of the 2d and 3d prisoners in this case, the Court of Foujdarry Adawlat observe that with reference to Section XXII, Regulation VII of 1802, the trial must be referred in regard to all the prisoners, and

8th September 1860.

they accordingly direct that the sentence passed upon the 1st prisoner be suspended and an English translation of the entire record submitted for their consideration with the usual letter of reference.

Read Calendar of Case No. 24 of 1860 on the file of the Session Court of Honore.

/Here enter No. 1157 of 1860./

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

Wm. Nithins

Ent. ET.

| | |
|---|---|
| 1. Lalu Naik | |
| 2. Parsha | |
| 3. Sabria | |
| 4. Inanja | |
| 5. Casthi Naik | |
| | Eight years |

5

F.D.

Monday 10th September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Le. Strange Esquire. }
H.D. Phillips Esquire. } Puisne Judges.
H. Ivere Esquire. }

Read Calendar of Case No. 1 of 1860, submitted by the Agent to the Governor in Ganjam, under date the 18th August 1860.

/Here enter No. 1161 of 1860./

The Court of Foujdarry Adawlat observe that the prisoner in this case having been convicted of express murder, it was not competent to the Agent to pass sentence of his own authority, but the trial should have been submitted for the final judgment of this Court, accompanied with a letter of reference, in accordance with the course prescribed

prescribed by the Circular Orders of this Court in respect of referred trials. The Court of Foujdarry Adawlat request therefore that this latter defect may now be supplied with as little delay as possible.

Read Calendar of Case — No. 50 of 1860, on the file of the Session Court of Salem.

/Here enter No. 1443 of 1860./

1. The Acting Session Judge states he is of opinion that the penalties to which the prisoner in this case has rendered himself liable under Clause 3, Section IV, Regulation XV of 1803, on his conviction of "Highway Robbery", might be reduced with propriety to (2) two years' imprisonment with hard labor in irons and the infliction of 100 lashes.

2. The Session Judge should leave



have passed the sentence required by law and then have proposed mitigation.

3. The Foujdarry Adawlat, deeming the measure of punishment recommended by the Session Judge inadequate to the grave offence of highway robbery, direct that the prisoner be sentenced to (8) eight years' imprisonment with hard labor in irons and without lashes.

Read Calendar of Case No. 11 of 1860, on the file of the Agent to the Governor in Vizagapatam.

/Here enter No. 1452 of 1860./

1. Of the four prisoners in this case, tried on a charge of House breaking with theft and receiving stolen property, the 3d has been acquitted and released unconditionally — the 1st, 2d and 4th have been convicted on the 2d Count, that is being knowingly in possession of stolen

10th September 1860.

stolen property; and sentenced to six months' imprisonment with hard labor in irons, and to receive (50) fifty lashes with the Cat of nine tails.

2. The Foujdarry Adawlat consider this sentence an inadequate one.

Read Calendar of Case No. 60 of 1860 on the file of the Session Court of Chittoor.

[Here enter No. 1467 of 1860]

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

Read letter dated 27th August 1860, from the Officiating Session

10th September 1860.

F. A.

Session Judge of Tinnevelly, submitting for the final judgment of the Foujdarry Adawlat, the record of trial in Case No. 12 of 1860.

[Here enter No. 1429 of 1860.]

Messrs. Strange and Pycke.

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

Sunkaralingam,

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

"Murder."

The Court of Foujdarry Adawlat observe that it would have been more satisfactory if the evidence of the Zillah Surgeon had

† Muttayan alias Muthusamy (8) Eight years.

10th September 1860

had been taken by the Session Court,
as respects the nature and extent of
the injury inflicted on the person
of the deceased, and the cause of
her death.

Read letter dated the
28th ultimo, from the Session Judge
of Chicacole, submitting for the re-
final judgment of the Foujdarry
Adawlat, the record of Case No. 11
of 1860, of the Calendar of the Session
Court.

[Here enter No. 1453 of 1860]

1. The Session Judge con-
victs the 1st prisoner, Payidi Acham-
ma, of murder, but deprecates
the infliction of the extreme pe-
nalty of the law on certain grounds
stated in para 12 of the above letter.

2. The Foujdary Adawlat
observe, however, that the Session
Judge has omitted to submit any
specific recommendation in
regard

10th September 1860.

regard to the sentence to be passed,
and accordingly resolve to call on
him now to supply the deficiency.

Precept returnable within
III days from and after its receipt.

L. & S. C. 14th March 1834.

Jno. Watkins

Ent. S.H.

F. A.

Tuesday
11th September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire.

Read Miscellaneous Petition presented on the 20th ultimo, by S. Tennalachary, Pleader on behalf of Auroobram and Hottay, 1st and 2d prisoners in Case No. 6 of 1860 on the Calendar of the Session Court of Trichinopoly.

(Here enter In. P. No. 255 of 1860.)

Messrs Strange and Freer. 1. Petitioners appeal from the sentences passed upon them by the Session Judge in the aforesaid case.

2. The Foujdarry Adawlat resolve to call upon the Session Judge to explain in what manner the 1st and 2d prisoners

prisoners had about them the
property which was discovered
on them, whether the same was
worn by them in the usual or
way or concealed about them.

Precept returnable within
III days from and after its receipt

Read letter dated 10th August
1860, from the Acting Session Judge
of Salem, submitting for the final
judgment of the Foujdarry Adaw-
lat the record of trial in Case
No. 38 of 1860 of the Calendar of the
Session Court.

/Here enter. No. 1376 of 1860./

The Court of Foujdarry — Messrs Strange and Phillips.
Adawlat, on a deliberate consider-
ation of all the circumstances of
the case in evidence before them,
being of opinion that the prisoner,

Vegasarey Pandithan

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



Perjury

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

1. The trial has been refer-
red because of a difference of opinion
of one of the assessors who holds the
charge not proved, while the Session
Judge and the other assessor consider
the prisoner guilty.

2. Mr Branson appears for
the prisoner, and Mr Mayne and
Srinivasachari for the 1st witness.

3. The charge is one of Per-
jury arising in a suit wherein the
aforesaid 1st witness was Plaintiff
and the prisoner Defendant. Mr
Branson objects that counsel can-
not be heard for the 1st witness, as
he not being the prosecutor. After
hearing argument the Court de-
termine that the counsel in ques-
tion have no standing before them.

Criminal

Criminal prosecutions are con-
ducted in the name of the Crown,
and the Government Pleader alone
is entitled to appear to support the
prosecution. In the present case the
objection to hearing those who ap-
pear for the party representing
himself as personally interested
in the success of the prosecution,
is of the more weight that the
proceedings originally were not
instituted by him but by the
District Inconstable before whom
the Perjury is alleged to have been
committed.

4. The Court having heard
Mr. Branson in behalf of the pri-
soner, proceed to judgment on the
case.

5. They observe that the
charge and the proceedings taken
on it by the Session Judge contain
serious defects. In the charge the
exact



exact words of the prisoner on which
the Perjury is alleged should have
been entered. This has not been done,
the presumed effect of his depos-
tion alone being given. The depo-
sition should have been read in
evidence in support of the pros-
ecution and a transcript thereof
have been embodied on the pro-
ceedings. Proof should likewise
have been afforded that such de-
position had been given on solemn
affirmation or oath. There is no
note of the reading of the depos-
tion on the proceedings, and no
transcript thereof, and no evidence
to the solemn affirmation of
it by the prisoner. All that ap-
pears concerning the reading of
the deposition is in the prison-
er's defence, from the language
of which it is to be gathered
that this took place after he
had

had been put upon his defence.

11th September 1860.

6. The allegation in the charge is in effect that whereas the prisoner had deposed that the receipt No. II was for money paid on the bond A sued upon, it was really for money paid on the bond B, not embraced in the suit, and that this was apparent from another receipt marked No. I.

7. The Court consider the charge here to have been framed in an objectionable and inaccurate form. After specifying what it was that the prisoner had deposed to, it would have been sufficient to allege that the reverse was the fact. By introducing mention of the bond B, and the receipt No. I, complications are let in, which in the present instance bring, as observed, of an inaccurate nature, would



serve alone to defeat the charge.

For example the receipt No. I or makes no mention either of the bond B or the receipt No. II, and could not of itself, as the charge would indicate, associate the one with the other.

8. That the nature of the receipt No. II is what is above asserted depends upon the evidence of the 1st witness. This person is the prisoner's opponent in the suit in which the document was filed, and as a party interested, his statements have to be received with great caution. And after all his one single oath has to be balanced one against the prisoner's oath, and for a conviction of Perjury other evidence to show which of the two depositions made is the false one is necessary.

9. The Session Judge has assumed that as the receipt No. I is

for

for interest at the rate of 12 per cent on the bond A and for Rs. 20-4-- of the principal, and is of posterior date to the receipt No. II, this prior receipt cannot be on account of the bond A, and he goes on to assume that it must relate to the bond B.

10. The Court are not of opinion that this first assumption rests upon conclusive grounds. The receipt No. II does not disclose for what purpose this payment it mentions was made, and it is within the bounds of possibility that the payment may have been one on account, to be adjusted afterwards, and it might be that it was towards discharge of the bond A. But whether such was the case or not, the charge, as framed, requires that the Sessions Judge's further assumption, namely that the receipt No. II relates to the bond B, should be



adopted, and for this the Court find no grounds. The bond B is for payment of monthly instalments of Rs. 5, and the instrument is not adverted to in the receipt No. II which is for an entire sum of Rs. 60. On the other hand the receipts Nos. III and IV have been put in, which explicitly relate to the bond B and together cover exactly the sum of its principal. It is true that the items in one of these latter receipts are challenged, but whether rightly or wrongly so these proceedings afford no means of judgment.

11. The Court come to the conclusion that the charge preferred against the prisoner has not been established, and they direct that he be set at large.

Ex. Hall.

Mr. Willis

J. D.

Wednesday 12th September 1860.

At a Court of the Foujdary Adawlat.

Present.

J. L. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Pigot Esquire.

Read Calendar of Case No. 16 of 1860, on the file of the Session Court of Nellore.

[Here enter No. 1169 of 1860.]

The Foujdary Adawlat observe that the evidence against the 1st, 2d, and 3d prisoners would have warranted their conviction had it been accepted. It has however been rejected, and nothing consequently remaining against the prisoners, they are entitled to their unconditional release. The Court direct therefore that they be thus set at large.

Read Calendar of Case No.

No. 97 of 1860, on the file of the Session Court of Bellary.

[Here enter No. 1476 of 1860.]

The Acting Session Judge concurs with the Inahoundan Law Officer in acquitting the 3d. and 4th. prisoners, but refers the trial in respect of the 1st. and 2d. owing to the Foujdarry Adawlat inferring a difference of opinion in regard to said to their guilt. The cause of the reference is not, however, apparent from the Calendar.

Read Calendar of Case No. 100 of 1860, on the file of the Session Court of Bellary.

[Here enter No. 1481 of 1860.]

As herein recommended, the Court of Foujdarry Adawlat resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin,

Kottagar Buss
Inahoundan Law Officer.

six Months.

12th September 1860.

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

Read letter under date the 27th. August 1860, from the Session Judge of Cuddapah, submitting for the final judgment of the Foujdarry Adawlat, the record of Case No. 56 of 1860 on the Calendar of the Session Court.

[Here enter No. 1476 of 1860.]

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

"murder." 2d. Erala Chukrana son Chathan, is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to be transported to such place or places beyond sea, as the Government may direct,

there

there to be imprisoned, and kept to
hard labor on the publics roads
or other public works, for and during
the period of his natural life.s

12th September 1860.

Ino Wilkins

Ex. 67.



F. A.

Thursday,
13th September 1860.

At a Court of the Foujdarry Adaulat.

Present.

T. L. Strange Esquire
H. D. Phillips Esquire
H. Irvine Esquire
} Puisne Judges.

Read letter dated 28th August 1860,
from the Agent to the Governor of Vizagapatam,
submitting for the final Judgment of the Fouj-
dary Adaulat, the Record of case No 10 of 1860
on the Calendar of the Agent's Court.

(Here enter No 1178 of 1860.)

Mess.rs Phillips and Irvine.

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

Bantupilly Papayya

"Murder" is sufficient to convict him of the offence
charged, do convict him thereof, and under-
the

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

Read letter dated the 7th Instant, from the Session Judge of Chittoor, submitting for the final Judgment of the Foujdarry Adawlut, the record of case No. 57 of 1860. of the Calendar of the Session Court.

(Here enter No. 1177 of 1860.)

The Court of Foujdarry Adawlut, after a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

Mr. H. Frere

Mooney appears

"Attempt at Murder"

is sufficient to commit him of wounding with intent to kill, do commit him thereof, and under the provisions of Clause 3d Section VII. Regulation XV of 1808, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.

of



The charge in this case should have been headed as "Wounding with intent to kill". The Court of Foujdarry Adawlut presume that the Trial has been referred by the Session Judge under the provisions of Clause 7th Section II, Regulation XV of 1803; but this should have been expressly stated in the letter of reference.

Read Miscellaneous Petition presented on the 29th ultimo, by Mr. H. Sloan, Pleader on behalf of Jr. Lutcheyadu and 4 others, prisoners in Calendar No. 20 of 1860 on the file of the Session Court of Masulipatam.

(Here Enter M. P. No. 263 of 1860.)

Mr. H. Frere.

1 This is an appeal from the sentence passed upon the Petitioners by the Session Judge in the aforesaid case.—

2 With reference to section III, Act No. XIX of 1848, the acting Session Judge is requested to submit for the orders of the Court of Foujdarry Adawlut, a translation of such of the evidence as relates to the case of the 1st 2d 6th 7th & 11th prisoners

prisoners—

3 It appears to be implied by the remarks of the late Acting Session Judge that the 1st, 2nd and 5th Prisoners asserted the articles found in their possession to be their own property; and the Acting Session Judge declined to examine the witnesses cited by them to prove this point. The Acting Session Judge will be pleased to state distinctly whether this was the case—

4 The Pleader for the Prisoners alleges his belief that one or more of them have died subsequent to conviction. The Acting Session Judge is requested to state the fact on this point, and is further directed to suspend the sentence against the surviving Prisoners—

Precept returnable in V days from and after its receipt—

J. W. Watkins

Esqr. S.J.



J. J.

Friday, 14th September 1860

At a Court of the Tongdarry Adawlat.

Present.

J. D. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire.

Read letter dated 21st August 1860, from the Acting Session Judge of Salem, requesting the opinion of the Judges of the Tongdarry Adawlat, as to whether it rests with a Magistrate to punish parties guilty of the offences described in Act XIII Section VIII of 1850 himself, under Regulation X Section VII of 1816, or to commit them; or whether he is bound to commit them as would appear by Section IX of the said act.

[Here enter No. 1379 of 1860]

The Session Judge is referred to the Circular Order of the Tongdarry Adawlat dated 10th January 1859.

Read

14th September 1860.

Read Calendar of Case - No. 29 of 1860 on the file of the Session of Court of Trichinopoly.

/Here enter No. 1458 of 1860./

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

Read letter under date the 28th August 1860, from the Agent to the Governor in Ganjam, submitting further explanation regarding the case of fraud noticed in the Courts proceedings of the 20th idem.

/Here enter No. 1462 of 1860/

1. The Tanjadary Adawlat do not see that the case differs from any other which resolves itself into a breach of contract. To constitute a false pretence there must be ... misrepresentation

† 1st Muttuviranan Shanar. two years

14th September 1860.

misrepresentation of an existing fact, the recourse to which induces the other party to part with his money. Here there was merely a promise made, and the non-performance thereof will not convert the promise itself into a false pretence.

2. The Agent will find in Archbold, being the authority to which he refers, Page 293, R. v. Goodhall, the above distinction explicitly drawn. S

Jno Wilkins

L. P. S. Ef.

# Fr. A.

Saturday
15th September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. L. Strange Esquire
H. D. Phillipps Esquire } Puisne Judges
H. Trere Esquire

Read letter dated 28th ultimo,
from the Magistrate of Ganjam, stating that
a case decided by his Principal Assistant on
notes of the evidence, under the rules sanctio-
ned by Government on the 6th May 1860. has
been reserved by the Session Judge, and request-
ing to be informed whether effect is to be given to the rules
or not—

(Here enter No 1463 of 1860)

1. The Magistrate does not state
whether his Principal Assistant was acting
in his magisterial capacity or that of
Assistant Agent. The Judges observe that
the Rules in question would not be applicable
to any criminal case, arising within that

portion

15th September 1860.

portion of the Ganjam District which is subject to the general Regulations.

2. The present communication should have been forwarded through the Session Judge of Chicacolen.

To the Session Judge of Chicacole for communication to the Magistrate of Ganjam.

Read letter dated the 5th September 1860, from the Officiating Sessions Judge of Tinnevelly, submitting for the final judgment of the Foujdarry Adawlut, the Record of case No. 13 of 1860 of the Calendar of the Sessions Court.

(Here enter No. 1502 of 1860)

The Prisoner in this case having been sentenced to suffer death for the crime of "Murder" in Case No. 12 of 1860 under date the 10th instant, the Court consider it unnecessary to enter upon the consideration of the evidence on the minor charge now submitted by the Officiating Sessions Judge.

Read Calendar of case No. 19 of 1860, on the file of the Sessions Court of Nellore

15th September 1860.

Nellore.

(Here enter No. 1504 of 1860)

| | |
|---|---|
| × Salapeela Ankadu | As herein recommended, the Court |
| 2 Golaconda Narasigadu | of Foujdarry Adawlat resolve to authorize |
| 3 Do Venkatramanigadu. | the Sessions Judge to issue his warrant for |
| Five years and 50 lashes. | the imprisonment of the prisoners × for the |
| 4 Coja Subbadu. | period specified in the margin, in mitiga- |
| Two years and 50 lashes. | tion of the sentence passed upon them in |

the said case.

Read Calendar of case No. 20 of 1860, on the file of the Sessions Court of Nellore.

(Here enter No. 1505 of 1860)

As herein recommended, the Court of Foujdarry Adawlat resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner × for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

× Poja Pedda Palugadu — Five Years.

Ed. Gdb.

Mr Hutchins

T. A.

Monday 17th September 1860

At a Court of the Tonjdarry Adawlat.

Present.

J. L. Strange Esquire. H. D. Phillips Esquire. H. Frere Esquire. } Puisne Judges.

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Read Calendar of Case No. 26 of 1860 on the file of the Session Court of Jimmoolly.

(Here enter No. 1473 of 1860)

As herein recommended, the Court of Tonjdarry Adawlat resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case, not considering this too heavy a penalty for the serious crime of which the prisoners are convicted.

1. Pich Nadan.
2. Karuthakumma
Muthanthan

Eight years.

Read Calendar of Case

No.

F. A.

Tuesday, 18th September 1860.

Mid Court of the Fourdarry Adawlut.

Present.

J. L. Strange Esquire
H. D. Phillips Esquire
H. Turner Esquire
} Puisne Judges

Read letter dated 11th September 1860, from the Officiating Civil Auditor, forwarding for inspection a bill for travelling allowance to a Dresser, for proceeding from Chittoor to Cuttapoy, a distance of 36 miles, with a convicted prisoner, for the purpose of attending at the inflictions of corporal punishment; and requiring whether the attendance of a Medical man is in all cases required, and whether such an item should be audited by his office.

[Here enter No. 2127 of 1860.]

How

No. 64 of 1860 of the Session Court of Nundial. 17th September 1860.

[Here enter No. 1189 of 1860.]

The Court of Fourdarry Adawlut are of opinion that a sentence of Five years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this case has been convicted, viz. Murder (Attempt) and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.

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

(A) 87

How written

The Court of Sanjdarry Adawlat observe that para 5 of the 2d August 1821 prescribes that a Dresser shall be present on all occasions when prisoners are punished with stripes, but they do not see why in this case the punishment could not have been inflicted in the Jail at Chittoor. The Session Judge is requested to submit explanation on the subject.

Read letter dated 29th Ultimo, from the Acting Magistrate of Kurnool, furnishing information respecting the proposal of the Session Judge that cases of assault by natives of British subjects in Kurnool be cognizable by Magistrate as Justice of the Peace.

(Here enter No. 1147 of 1860.)

1. The Judges observe that under the orders of Government dated



dated 6th January 1835, the powers of Justice of the Peace are required to be exercised at the zillah stations by the Criminal Judge; and by the Circular of the Sudder Court dated 4th March 1844 and Proceedings of the Sanjdarry Adawlat dated 26th October 1843, it was pointed out that at stations where a Criminal Judge, i. e. Subordinate Judge, is not located, it devolves upon the Session Judge to exercise those powers.

2. The Judges are of opinion, therefore, that until the convenience is actually experienced by the Session Judge, the duty cannot be transferred to the Magistrate. It does not appear that much of the Session Judge's time has yet been taken up with the trial of such cases.

(To the Session Judge of Nundial for communication to the Magistrate).

Read

The Court of Tanjdarry Adawlat observe that para 5 of the 2d August 1821 prescribes that a Dresser shall be present on all occasions when prisoners are punished with stripes, but they do not see why in this case the punishment could not have been inflicted in the Jail at Chittoor. The Sessions Judge is requested to submit explanation on the subject.

Read letter dated 29th Ultimo, from the Acting Magistrate of Kurnool, furnishing information respecting the proposal of the Sessions Judge that cases of assault by natural born British subjects in Kurnool be cognizable by Magistrate as Justice of the Peace.

/Here enter No 1167 of 1860./

1. The Judges observe that under the orders of Government

dated



dated 6th January 1835, the powers of Justice of the Peace are required to be exercised at the zillah station by the Criminal Judge; and by the Circular of the Sudder Court dated 4th March 1844 and Proceedings of the Tanjdarry Adawlat dated 26th October 1843, it was pointed out that at stations where a Criminal Judge, i.e. Subordinate Judge, is not located, it devolves upon the Sessions Judge to exercise those powers.

2. The Judges are of opinion, therefore, that until a communication is actually received by the Sessions Judge, the duty cannot be transferred to the Magistrate. It does not appear that much of the Sessions Judge's time has yet been taken up with the trial of such cases.

(To the Sessions Judge of Nundial for communication to the Magistrate).

Read

18th September 1860

Read Petty Calendars sub-
mitted by the Acting Sessions Judge
of Salem, for the 2d Quarter of 1860.

[Here enter No 1507 of 1860.]

1. In these cases the charges should have been headed "Trespass" not "Misdemeanor". — No 24, 26, 27, 28 and 29. By the Officiating Magistrate.

2. The heading in this case should have been "Theft" not "Embezzlement". — No 17. By the Head Assistant Magistrate.

3. The Sangdarry Adawlat observe that the first portion of this charge is vague and general, and not such as to warrant a charge, which should depend on some specific fact. — No 31. By Do.

4. The second part of the charge does not describe the nature of the injury alleged, and is therefore also defective.

5. The method designated fraudulent should have been described. — No 2. By the Deputy Magistrate.

6. The heading in this case — No 6. By Do.

18th September 1860.

case should have been "Killing Cattle" not "Misdemeanor;" and it is presumed the act was done maliciously.

Read letter dated 6th September 1860, from the Sessions Judge of Cuddapah, submitting for the final judgment of the Sangdarry Adawlat, the record of Case No 1, 6 of 1860 on the Calendar of the Sessions Court.

[Here enter No 1487 of 1860.]

The Court of Sangdarry Adawlat, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Major Phillips and Three — Canisetti Narayana, is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802, sentence him to

"Murder and Robbery" — suffer

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

Read letter dated 29th
August 1860, from the Acting Sessions
Judge of Ballary, submitting for
the final judgment of the
Tongdaung Adawlat, the record
of cases No 96 of 1860 on the Calen-
dar of the Sessions Court,

(Here recites No 1517 of 1860.)

The Court of Tongdaung Mr Phillips
Adawlat, on a deliberate con-
sideration of all the circum-
stances of the case in evidence
before them, being of opinion
that the proof against the
prisoner,

1st Charge,

is sufficient to convict him
of the offence charged, do "Gang Robbery"
convict him thereof, and under
the provisions of Section IV Reg-
ulation I of 1825, sentence him to

be



be imprisoned and kept to hard
labor in irons on the public
roads or other public works, for
and during the period of (7)
seven years.-

The Court of Tongdaung Mr Phillips
Adawlat, on a deliberate consider-
ation of all the circumstances
of the case in evidence before
them, being of opinion that the
prisoners,

2nd Ramoodee,
and
3rd Gopalu,

are not convicted on presump-
tive proof, or on the evidence
of credible witnesses, or on their
own confession, of the crime
"Gang Robbery" charged, do acquit them thereof,
and direct that they be set
at liberty.- Geo Phillips
Esqr

ground they resolve to mitigate
the sentence to five years.

Ld. S.T. H.H. Wilkes

19th September 1860.

J. A.

Thursday, 20th. September 1860.

At a Court of the Foujdary Adawlat.

Present.

J. L. Strange Esquire.
H. D. Phillips Esquire } Puisne Judges.
H. Irvine Esquire.

Read Criminal Report B. submitted by the Acting Session Judge of Sabrul, for the months of July 1860.

(Here enter No. 1529 of 1860)

No. 33. Murder and Wilful False Complaint By the Acting Head assistant Magistrate.

The Foujdary Adawlat observe that the circumstances alleged against the accused do not constitute an indictable offence. If the fine adjudged has been paid, we they direct that it be returned.

No. 34. Theft and Possession of stolen property. By do.

2. The mode in which the Thefts were accomplished, and the different times of their accomplishment should have been specified, and each theft should have formed

formed ground for a separate charge.

3. In the 2d Count of this charge it is not necessary to allege the Killing, the stealing being the real offence in this case.

No. 40. "Cattle stealing and Killing" By the Deputy Magistrate.

Read Calendar of Case No. 28 of 1860 on the file of the Session Court of Combaconum.

/Here enter No. 1540 of 1860./

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

1st Ramasamy Pillai

Three Years Hard Labour.

Read letter dated 6th September 1860, from the Acting Session Judge of Tellicherry, submitting for the final judgment of the Foujdarry Adawlat the record of Case No. 21 of 1860 on the Calendar of the Session Court.

/Here enter No. 1518 of 1860/

The



Messrs Phillips and Friere.

The Court of Foujdarry Adawlat, 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 Kottarattil Iruamavu,
and
2d Maniatha Punnari Nannen.

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

Murder.

Jno Wilkins
Ex Asst.

F. A.

Friday,
21st September 1860.

At a Court of the Foujdarry Adawlat.

Present.

T. L. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire.

Read Calendar of Case
No. 59 of 1860 on the file of the Session Court of Chittoor.

/Here enter No. 1543 of 1860./

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

* Imala Tab. Cadie. Eight years.

Read Calendar of Case
No. 66 of 1860 on the file of the Session
Court of Chittoor.

/Here enter No. 1546 of 1860./

As

21st September 1860

As herein recommended, the Court of Foujdarry Adawlat resolves to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner + Sethadi. for the period specified in the Eight years. margin, in mitigation of the sentence passed upon him in the said case.

Mr Whittuck

Ex Roll.

S.

S. A.

Saturday, 22d. September 1860.

At a Court of the Foujdarry Adawlat.

Present.

S. L. Strange Esquire
H. D. Phillips Esquire } Puisne Judges.
H. Freese Esquire

Read Calendar of case No. 21 of 1860 on the file of the Sessions Court of Nellore.

(Here enter No. 155 of 1860.)

As herein recommended, the Court of Foujdaree Adawlat resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case, not considering that so heinous a crime should be met by a lower sentence.

Read letter dated 15th September 1860,

from

+ 1st Markapuram Naridigadu.
2. Do Subbadu
3rd Do Venkatramudu.
8) Eight years.

from the Session Judge of Kundial, submitting
for the final Judgment of the Foujdarry Adawlat,
the Record of case No. 41 of 1860. on the Calendar
of the Session Court.-

(Herewith No. 1555 of 1860.)

The Court of Foujdarry
Adawlat, on a deliberate Consideration Mr. C. Strange.
of all the circumstances of the case in
evidence before them, being of opinion that
the proof against the prisoner,

Pentadu,

is sufficient to convict him of the offence
charged, do convict him thereof; and sentence "Murder."
him to be transported to such place or places
beyond sea, as the Government may direct,
there to be imprisoned, and kept to hard
labor on the public roads or other public
works, for and during the period of his
natural life. S The Written S

E. R. E. F.

Tuesday,
25th September 1860.

J. D.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Frere Esquire.

Read letter dated 22d September 1860, from the Session Judge of Cuddalore, submitting for the final judgment of the Foujdarry Adawlat the record of trial in Case No. 28 of 1860 on the Calendar of the Session Court.

(Herewith No. 1582 of 1860.)

Mr. Frere.

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

1st Pindara Pavaday,
and
3d Yerrivengadum,

are not convicted on presumptive or proof

proof, or on the evidence of credible witnesses, or on their own confession of the crime charged, do acquit them thereof, and direct that they be set at liberty.

"H. of H."

The Court of Foujdarry Adawlat observe that the Session Judge should have stated in his letter of reference the nature of the charge on which the 2d prisoner has been sentenced in another case to seven years' imprisonment.

2. The Court would further remark that under the Circular Order Foujdarry Adawlat 5th March 1841, the Session Judge might have returned the case as respects the remaining 8 prisoners for disposal in the Court of the Principal Sudder Ameen.

Read Criminal Report A

submitted



submitted by the Session Judge of Guntoor, under date the 19th instant.

/Here enter No. 1576 of 1860./

No. 40 of 1860.

The Court of Foujdarry Adawlat observe that the indictment in this case should have specified the value and description of the articles of stolen property said to have been found in the possession of the 2d and 3d prisoners respectively.

Read letter dated the 8th instant, from the Magistrate of Madura, submitting for the consideration of the Court a communication from Mr. Hayes, a Deputy Magistrate, complaining of certain reflections upon his character made by the Session Judge in his proceedings dated the 22d ultimo, while reviewing a case of extortion investigated by that officer.

/Here enter No. 1485 of 1860./

Read

Read also, letter dated the 10th instant, from the Session Judge of Madura, commenting upon the communication in question.

(Here enter No. 1199 of 1860.)

The Judges observe that

1. the course taken by the Session Judge in this matter was irregular, and that the mode in which he has treated the case betrays precipitation, intemperance, and indiscretion.

2. The charge was one of extortion (though designated by the Session Judge as one of Robbery); and if the Session Judge, on complaint being made to him, was of opinion that the Deputy Magistrate had improperly passed it on to the Magistrate, and that the latter officer had unjustifiably transferred it to the Revenue department of his office,

and



and dealt with it as Collector, the Session Judge's duty was to have replaced the case in the hands of the Deputy Magistrate, or his successor, with directions to dispose of it according to law; and his observations should have been confined to the erroneous steps taken by him and the Magistrate in dealing with the case otherwise.

3. If, again, Mr. Hayes, on the other hand, should have obviously betrayed the trust reposed in him by sheltering the accused from the consequences of his offence, through timidity or other cause, the Session Judge should have brought his conduct to the notice of superior authority.

4. The Session Judge, however, without assuming any legal disposal of the charge, according to his view of its nature, has himself undertaken to sift and pronounce

pronounce an opinion upon it, freely
interspersing his remarks with observ-
ations of the most condemnatory
nature upon the character of the
accused, his connection with his
superior the Collector, and the
motives of the Deputy Magistrate
and Collector in their treatment
of the case; these observations being
thus in themselves altogether of an
extrajudicial character, and on
sources of information being relied
upon which were not legally before
the Session Judge, and such as those
animadverted upon had no proper
means of rebutting.

5 The Judge cannot approve
the tone of the Deputy Magistrate's
communication, though willing
to make allowance for the circum-
stances under which it was written.
He has gone much beyond what
was necessary for his own justifi-
cation, and commented generally upon

25th September 1860.

upon the Session Judge's proceedings,
as if he were vested with authority
to review them.

Jno Wilkins
Ld & Ld

J. A.

Wednesday 26th. September 1860.

At a Court of the Foujdarry Adawlat.

Present.

J. Lo. Strange Esquire. | H. D. Phillips Esquire. | H. Frere Esquire. } Puisne Judges.

Read Criminal Report B, submitted by the Sessions Judge of Rajahmundry for the months of August 1860.

Heard enter. No. 1585 of 1860.

Her Foujdarry Adawlat observe there is no specified

No. 83. By the Deputy Under Sheriff.

1. absence there is no breaking in this case.

Her Session Judge is re-

No. 105 By — Do.

2. quested to review the proceedings con-
held in respect of the 2d. prisoner
in this case, it not appearing
how he can be subjected to penal
consequences unless the actual
complainant himself.

No. 9. By the Dy. Director of Rev. settlement in capacity of Joint Magistrate

3. The circumstances of the

26th September 1860.

that extortion should have been spe-
cified in the charge.

Tho Withers

Ex. Hall.

Y. A.

Thursday, 27th September 1860. At a Court of the Zoojdarry Adawlut.

Present.

Y. L. Strange Esquire
H. D. Phillips Esquire
H. Yzero Esquire.

Puisne Judges.

Read letter dated the 18th instant; from the Acting Session Judge of Bellary, submitting for the consideration of the Judges of the Court of Zoojdarry Adawlut the Report A in case No 16 on the file of the Magistrate of Bellary with his proceedings in an appeal from the Magistrates' sentence, and soliciting the instructions of the Judges whether cases of Theft accomplished by violence, as in the present instance, amount to Robbery and must be tried as such.

/Here enter Y.A. No 1059 of 1860/

The Court of Zoojdarry Adawlut observe that the first and fourth prisoners are shown to have snatched away from the person of 1st witness two articles of trifling value incidentally in prosecution of an illegal assault, but there is nothing to shew that the violence was committed for the purpose of

taking

taking the property, or that the witness was placed in bodily fear with this view. The offence therefore is not sufficient to constitute Robbery, and the case appears to have been properly disposed of under section VII Regulation X of 1816.

27th September 1860.

Read letter dated the 5th September 1860, from the Sessions Judge of Bellary, submitting for the final Judgment of the Foujdary Adawlut, the record of case No 97 of 1860 on the Calendar of the Session Court.

/Here enter F.A. No 1581 of 1860/

The Court of Foujdary Adawlut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners,

1st K Basummah /female/

and

2d Phakeera,

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

Left Cy

Mr. H. D. Phillips

Tho. Sutton

"Left"

F. D.

Friday 28th September 1860.

At a Court of the Foujdary Adawlut.

Present.

J. Lo. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges.
H. Freer Esquire.

Read Criminal Reports submitted by the Acting Session Judge of Salem, for the month of August 1860.

/Here enter No 1589 of 1860/

No 57.
By the Subordinate Criminal Judge.

1 The sentence appears to the Foujdary Adawlat too light for the crime committed.

No 123.
By the Moofty.

2 It does not appear from the charge in what manner the breaking was effected.

No 56.
By the Acting Head Assistant Magistrate.

3 The charge as framed does not bring the case within the scope of Act XIII of 1859. The contract appears to have been to keep a certain labourer at work, not as

(as the act would require) to execute a particular piece of work. The Court require the Session Judge to review the case, and, if the enhancement is not authorized by the act, to cancel the same.

4. This case requires also to be reviewed. It is not clear whether this was a contract for supply of gunny bags, or one for the labor of making them from materials furnished. It is only in the latter case that the act will apply. — No. 57 By the Deputy Magistrate

5. This case requires to be reviewed by the Session Judge. The offence charged appears to have been committed before the act under which it has been punished was passed. The charge moreover does not show that the work was of a defined and measured description without which the act could not apply. — No. 69 By the do.

Read Calendar, submitted



by the Acting Session Judge of Bellary of petty cases disposed of by the Magistracy during the 2d quarter of 1860, together with the proceedings of the Session Court held thereon under date the 20th September 1860.

/Here enter No. 1591 of 1860./

The Foujdary Adawlat

Case No. 204. "Resistance to Process"

1. do not concur in the Acting Session Judge's remark. Section 11, Regulation 1 of 1824 provides the means of punishing a refusal to appear. In this case the prisoner was charged with "evasion" which does not seem punishable. The fine should therefore be refunded.

Case No. 225. "Abuse of authority"

2. The Foujdary Adawlat do not share in the doubt entertained by the Acting Session Judge as regards the provisions of the Law under which this case has been disposed of. In their opinion the Regulation quoted by the Native Deputy

Deputy Magistrate is inapplicable.

Read letter under date the 7th instant, from the Session Judge of Honore, submitting for the opinion of the Judges the question whether the Session Judge can interfere in a case where the Magistrate, in dismissing a subordinate from the public service, has recorded observations tending to cast suspicion upon him of having knowingly concealed the commission of a criminal offence.

(Here enter No. 1624 of 1860.)

The Judges are of opinion that if in the order passed by the Magistrate on the investigation of the charge of child-murder any thing has been recorded to the petitioner's disadvantage, he has the right of appeal to have that observation obnoxious to him removed. The Session Judge cannot however



however over-rule the Magistrate's dismissal of the petitioner from the public service.

Read letter dated the 19th September 1860, from the Session Judge of Coimbatore, submitting for the opinion of the Sudder Foujdarry Adawlut, the record of Case No. 13 of 1860 on the Calendar of the Session Court.

(Here enter No. 1584 of 1860.)

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

Subbramania Aigah,

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

The entries

Messrs. Strange and Freed

"Embezzlement."

29th September 1860

relates to counts 6 and 7, and to direct that
the Prisoner be admitted in the mean while
to sufficient bail –

Precept returnable in five
days from and after its receipt –

Jno McMinn

Esqre Sh.