enquiry and only 502 were convicted of petty offences.

6. The Districts of Bellore and Timmore on the other hand exhibit, could the Statements be fully depended upon a much more healthy state of District Police adjudication. In Bellore of 392 accused 343 were convicted; and in Timmevelly the persons accused are 326, the convictions 283. These however, as they have remarked in former returns, these returns. In the other provinces, the proportion convictions by the District Police is about one half the numbers brought before them. The present return shew upon the whole a diminution of petty offences, the number of persons brought before District Police in the preceding half year being 47,846 in the present 47,846. An error has been committed by the Police officers in a few instances, in the cognizance of offences not within their jurisdiction of which they have been advised.

11. The following is an abstract of total number of convictions and punishments by the officers of District Police in the most frequent petty offences.

Convictions

Petty Thefts	Petty assaults	Petty affrays	
5739	8713	47	14,499

Punishments

Fined	confined in the Country	confined in the stocks	Flogged	Total
5730	7,207	338	930	14,199

Of the number entered above as flogged, 333 in Chingleput appear to have suffered no corporal punishment, but to have been only imprisoned with labour.—

12. Comparing the foregoing statement, with the returns for the half year preceding, a great increase is observable in the number sentenced to imprisonment in the Country. In that return it was 2345, in the present 7207: there has been at the same time a corresponding decrease in the number flogged and fined. The date (7th December 1832) on which Regulation XIII of 1832 was promulgated: Section V of which prohibits Native officers of Police from adjudging stripes, and authorizes the commutation of fine to imprisonment, will explain this difference. The Regulation did not of course reach the District officers of Police, until some time after it was published.—

In the half year ending 7th December 1832 Flogged 3286 Fined 8853.
In that ending 30th June 1833 930 5730.

Magistrates

13. There were brought before the Magistrates for petty offences during the half year, including those not examined at the close of the last returns, 4576 persons being a decrease of 896 upon

upon the statement for the prior six months; of these, 1987 were acquitted and 748 discharged upon Razeenamah, total 2735 and 1870 convicted. The offences in which convictions chiefly took place were Petty thefts, 1722 Petty assaults 785, using false weights 109, false complaints 64. This statement shews that Petty thefts had greatly increased in convictions for this offence in the preceding six months, being 394, in the period under review 722. The pressure of the severe scarcity which prevailed at the latter period fully accounts for this increase. The amount of fines realized was Rs. 4670—13—6.—

14. The adjudications by the Magistrates vary exceedingly. The number of persons brought before them were, in Tanjore 737, Trichinopoly 1465 and in Chingleput, 582; but in Tinnevelly only 37, in Ganjam 62, Guntoor 70, Rajahmundry 80 and Bellaree 97. and whilst in Bellaree 74 were convicted out of 97. there were in Chingleput 304 out of 582. in Chittoor 99 out of 312 in Tanjore 247 out of 737, in Cuddapah 87 out of 255. and in Vizagapatam only 19 out of 121. Of the grand total of 1870 persons convicted by the Magistrates in

were fined, 671 imprisoned and 312 flogged, of which last 98 were in the Zillah of Chingleput alone.

15. The following abstract will give a general view of the extent and nature of the Petty offences against Property and person, committed throughout the Provinces, in the half year under report upon which the Judges will offer a few remarks before they proceed to review the statements comprizing the more heinous offences.—

16. The total number of Persons accused before the Village and District Police, and before the Magistrates of Petty theft, was 10,639, of whom, there were convicted 6,591.- The total number accused before those authorities of petty assaults, was 5247, of whom there were convicted 10,518. These results are in the opinion of the Judges favorable to the Police adjudication. They shew, that in petty offences against property, the convictions were nearly 62 in the 100 accused; but in the trivial charges of offences against the person, and abusive language, they were not quite 25 per cent; and the details of those statements further shew, that the convictions, before the District officers of Police in petty cases of assault, even fell below this average, and did not amount to more than 22 per cent.—

17. This relatively large proportion of

of convictions in charges of petty theft, compared with that in case of petty assault, removes, the Judges conceive, much of the force of the observ made by the Honorable the Court of Directors" para 12 of their dispatch of the 20th March 1833: also affects the inferences which have been therdrawn, from the large proportion of acquittals generally, before the officers of Police. Whether such proportion be large or small, it appear to the Judges obvious, that its importance, and the value of any inference drawn from it, depend on the nature of the offences charged; and that no correct conclusion can be deduced, from a comparison like that instituted by the Honorable Court, of the proportion of acquittals to convictions in the whole or from the table therefore constructed as that in para 9 of their dispatch. A large number of convictions or acquittals, including in that term compromises, be the proportion two thirds, or more, in petty cases of abusive language or threatening charges of assault, is, in the opinion of the Judges of little moment. They would consider an extensive interference and the general punishment of persons accused of such offences by the District Officer of Police, to be an evil of magnitude. The law is intended for the protection of the peaceable and

and more respectable classes of society, and it is obvious from the very nature of the offences, that in numerous instances the prosecutors will often be found as much in fault as the party charged, and that a large number of acquittals therefore, will properly follow. The Judges are unable therefore to concur altogether with the Honorable Court in their remark, that "it cannot "be denied that the large proportion of acquittals" /shewn in the former or the present statements/ "affords proof of the great extent, to which either "the innocent have been put upon trial or the "guilty have been suffered to escape"; tho' it must be admitted that it shews that persons are unnecessarily charged before the Police to a great extent. They may observe in support of their opinion, that of the 92,000 persons and upwards, charged before the Police, entered in the table in para 9 of the Honorable Courts Despatch, it will be found, that 87000 were for petty assault and abusive language; and of the 62000 acquittals, 60,000 were in those offences. In the present statement, of 54,000 and odd, the total number accused of petty offences the total acquittals were 35,000 and of these 30000 were in charges of petty assault.—

Statement

27th September 1834.

Statements Nos. 3 and 4.

18. The number of serious crimes and misdemeanors committed during the half year ending 30th June 1833, as detailed in the Statements Nos. 3 and 4 was 6224 cases, being an increase of 857 on the prior half year. the return then was 6,367 cases. There is at the same time a very considerable diminution in the number of suspected offenders the former half years returns giving 63,809 the present only 49,148. This decrease will be shewn chiefly in the computation of persons engaged in gang robbery; the suspected number in 1607 gang robberies in the prior half year, was 39,037; in 1686 cases reported in the present returns, the number of persons concerned is computed at only 31,925. As it is not possible to determine whether this difference arises from less formidable gangs or, from previous arbitrary and exaggerated computations. these results are not to be relied on and no inference, as to any decrease in the number of persons concerned in committing offences, can consequently be drawn from them especially whilst the same returns shew an addition of cases. This increase, of which there

S. H.

27th September 1834

there can be no doubt, is to be attributed; as already noticed in the instance of the number of petty thefts, to the severity which prevailed to so fearful an extent in the Northern and Centre Divisions; and to the general pressure upon the labouring population, from the continued high price of food in every district. It will be accordingly seen, that the main addition to the number of Criminal Cases, is under the head of "Theft;" in which they rose from 1063 to 1499; and the computed offenders from 3360 to 5780. There has been also a marked increase in the crime of stealing and destroying cattle. In the last half yearly statement No. 3, the number of cases was 8, in the present 88. This is however in great part to be accounted for, by the enactment of Section VIII Regulation XIII of 1832, which made the maliciously killing of cattle a distinct offence; but in part also it must be attributed to the pressure of the famine.

19. There are no other variations in the nature and extent of crime, which call for special notice except the heinous offences of murder, and robbery with murder. The cases of murder in the preceding half year were 122, and the persons concerned

concerned 466, in the present 146, and the persons concerned 721. In robbery with murder the average of cases has been from 65 to 68 with a decrease of 2½ in the computed number of offenders.-

20. The proportion of offences in which no one implicated has been discovered, or apprehended continues to be large: the general average is from ½ to one half of the offences ascertained to have been committed. There is a marked exception in the returns from Combaconum, Guntoor, Malabar, Madura & Trichinopoly and Vizagapatam; In Trichinopoly 99 cases are entered as ascertained, in 43 of which no one concerned has been apprehended, although it would appear from the column, shewing in how many cases no person has been discovered, being left blank, that all are known. In Madura 73 cases ascertained, the number in which no one has been apprehended is only 7 apparently because no one of the perpetrators has been discovered. In Vizagapatam in 208 cases committed, none of the perpetrators of 79 were apprehended, though some of the offenders appear in each case to be known except in only 16 cases. Malabar exhibits a favorable statement of the exertions of the Police; of 576 cases which

27th September 1834

which were ascertained to have been committed, 94, or less than 1/6 an average below that of other Zillahs, are entered as the number in which no one concerned has been apprehended because they are not yet known, a similar return is also given for Combaconum and Guntoor.-

21. In Cuddapah and Nellore the contrary, the number of cases in which no one concerned was discovered bears a large proportion to the crimes committed. In the former Zillah the cases ascertained were 1177 in 635 of which no one was apprehended and in 628 no trace of the parties had been obtained. In Nellore the numbers were respectively 173 ascertained and 101, in which no one was apprehended or discovered. In Rajahmundry the proportion is also high. The attention of the several Magistrates will be directed to these results, and the Provincial Courts will ascertain, whether the entries are in any respect erroneous, or, whether the disparities arise from different modes observed in framing these returns.-

22. The districts in which there has been the greatest increase of crimes, are Coimbatore, Masulipatam, and Guntoor. In Canara, Chittoor, Bellary, Chingleput, Cuddapah and Malabar the increase

increase has also been considerable. In Rajahmundry there has been a remarkable decrease from 576 the return for the preceding half year to 223 cases. In Vizagapatam the decrease has also been proportionably large, especially as regards the number of offenders in the prior six months the cases were 262, and persons concerned 9,889, in the present returns the cases are 208, persons concerned 1,859. in consequence of the less formidable gangs punishable by the Civil Power.—

23. It will be seen from these statements, that the Zillah of Guntoor and Nellore in the Northern Division and Cuddapah in the Centre Division exhibit the largest number of Persons suspected to be concerned in offences. In Masulipatam they were estimated at 7,199, in 464 cases; in Guntoor at 5,408 in 446 cases; in Nellore at 5211 in 410 cases, in Cuddapah at 9763 in 1177 cases total 27,771 persons. These four districts thus give considerably more than one half of the entire number of suspected offenders in the whole Presidency; and it was in these districts, that the recent famine was most seriously felt; although there has been therefore

therefore an increase of crimes and misdemeanors, the Judges do not view the present returns as exhibiting an unfavorable state of crime generally; indeed they are of opinion that the increase is even less than was to have been expected, when the severity of the late scarcity is taken into consideration.—

Statement Nos. 5 and 6.

24. The Statements of the operations of the Criminal Courts for the period under review Nos. 5 and 6, show that there were, including those depending 3663 cases and 14056 persons brought before those Courts in the six months, being an increase of 4652 persons on the returns of the preceding half year. These statements support the observations of the Judges in the 7th para of their general report under date the 23d June last on the Civil reports for the same half year as they clearly prove, that a very large increase of Criminal business was thrown upon the Criminal Courts generally; during those six months a reference to the Statement in the margin shewing the number of Persons disposed of by the Criminal Courts in the first six months of 1832:- 4411-
Do. in the last six months of 1832:- 6776-
In the first six months of:- 1833. 12,357-

Persons actually disposed of by the Courts in the two preceding six months, will still more fully confirm

confirm the opinion then expressed, that if the whole of the duties performed by the several Zillah Courts were reviewed at one and the same time, there would hardly exist ground for censure.

25. Of the 14,056, Persons brought before the Courts in the period under review, 12,357 were disposed of within the half year; of these 2071 (against 18 of whom the accusations were false) in cases cognizable by the Criminal Courts themselves and 2832, in cases punishable by the Courts of Circuit; being a total of 4903, or nearly 40 per Cent of the accused, were unconditionally released. Of the remaining 7457. 1642 were held to security on their suspicion of guilt, of whom 600 were released and 1042 detained, 2738 were convicted and punished and 3011 were committed for trial before the Court of Circuit.

26. These results do not differ materially in the proportions of convictions, acquittals &c. from those exhibited in the returns for the half year ending 31st December 1832: of 6776 there remained 823 or about 1/8 were required to give security. the same proportion is observable in

in the present returns. The Zillahs in which there was the largest relative increase of Criminal duty, were the Auxiliary Courts of Masulipatam, Guntoor and Coimbatore, Cuddalore and the Zillah Court of Salem. In Chittoor, Chingleput, Nellore, Cuddapah, Bellary, Chicacole Immediately, the Native Court of Cumbum and the Zillah Court of Malabar there was also a very large augmentation in the number of cases and Persons disposed of. In a few instances, the Native Court in Canara, the Zillahs of Combaconum, Madura and the Auxiliary Court at Tellicherry there was a small decrease. The punishments inflicted by the Criminal Courts on the 2738 persons convicted by them were Imprisoned 1644, Fined 237, Flogged 261, Imprisoned and fined 65, Imprisoned and flogged 531. The only material variation from the preceding returns in the proportion of punishment to convictions is in the number Flogged only. In the last half yearly return they constituted about 1/5th of the punished in the present 1/12th.

Statements No. 7 and 8

Circuit Courts 27. The Statements No. 7 and 8 shew the number of persons brought before the Courts of

of Circuit in the six months to have been, 2683, in 611 cases. The number in the preceding half year was not one half of this amount Viz. 1178 persons in 381 cases.

28. The Circuit Courts released unconditionally 731 persons; in the instance of 7. the accusations were false, 244 were ordered to be released on security, 665 were committed there were 488 whose cases were referred, and 299 whose trials were postponed 146 were returned to the Criminal Courts. Besides a considerable decrease in the proportion of persons held to security, in the most important statements is the very great increase of business before the Courts of Circuit, apparent from them — As referring to the statement No 8 it will be seen that the whole of this increase has occurred in the Northern and Centre Divisions. The following abstract will also show the extent of the additional duties thrown upon those two Courts.

	Cases and Prisoners disposed of in the half year ending 30th June 1832.	Cases and Prisoners disposed of in the half year ending 31st December 1832.	Cases and Prisoners disposed of in the half year ending 30th June 1833.
Northern Division	92 — 262	43 — 130	237 — 671
Centre Division	121 — 416	128 — 440	163 — 561

The punishments adjudged by the Courts of Circuit on the 656 persons convicted by them, were.

Flogged and Imprisoned above 7 years — — — — — 97

Flogged and Imprisoned for 7 years and under — — 19

Imprisonment alone above 7 years — — — — — — 383

Imprisonment 7 years and under — — — — — — 157.

29. The cases postponed were of unusually numerous, exhibiting a considerable increase upon the returns of the preceding half year. They were chiefly in Gang Robbery and Robbery, and in the Northern and Centre Divisions. In the Zillah of Nellore the 3d Judge on Circuit after having gone through a Calendar of 34 numbers, with a supplemental Calendar of 13 Nos received an additional Calendar of 35 Nos. Upon a careful inspection he considered 22 Cases of Gang Robbery entered in it including 143 Prisoners, not sufficiently matured for trial, and accordingly postponed them. The Court of Sudder Adalut on the receipt of his Calendars approved of his proceedings, and the Judges submit with this report the 3d Judge's statement of the grounds of this postponement with the extract from the Court's proceedings thereon — At the 1st Sessions of 1833 at Cuddalore in the Centre Division, the Acting 3d Judge

Judge on Circuit found it necessary in a Calendar of 52 Cases to postpone 18 with 46 Prisoners, generally for the want of material evidence. His reasons for postponement are given at length in the Calendar; and they were such as to satisfy the Judges of the propriety of the course pursued. These two instances will account in great part, for the large increase in the number of persons whose trials were postponed. In addition to the individual cases of postponement entered in the Statement No 8. there was a postponement altogether of the Sessions at Cheracole for the 1st half year of 1833, as it was found impossible for the Judges of the Provincial Court of Circuit to complete the sessions in the other Zillahs in time to relieve the Gaols at Cheracole and Vizagapatam. In further explanation it may be observed that the press of duty generally, in the Northern and Centre Divisions was severe, and the famine had induced even respectable families to leave their homes in search of food, it was found in consequence difficult to procure the attendance of prosecutors and witnesses at the sessions. The Court do not, under these circumstances, consider

consider the increase of cases postponed through large to be one, calling for animadversion.

Foujdaree Adalut 30 Statement No 9 exhibits the operations of the Foujdaree Adalut in the first six months of 1833. At the close of 1832, there were 16 trials before the Court with 82 persons; 64 trials including 206 persons were received during the half year, total, 80 trials. 288 Persons. The Foujdaree Adalut disposed in the same period of 64 trials including 230 Prisoners. Of these, 53 persons were released unconditionally. 29 were ordered to be released on security, 146 were convicted; and 58 Persons (in 16 trials) remained to be disposed of. One was returned to the Criminal Court, and one, was found insane.

31. Of the 64 trials disposed of, 33 were cases of murder, and robbery with murder, in which 82 persons were concerned. Of whom 9 or 1/9th were unconditionally released, 13 ordered to find security upon strong suspicion of guilt, 1 was found insane. and 59 were convicted, upon 25 of whom sentence of death was passed, 27 were transported, and 7 imprisoned for seven years and under. There was one trial for arson with murder, with one

one Prisonir; who was convicts of manslaughter and adjudged to 7 years imprisonment. Total trials for murder 34, Persons, 88.—

32. Of the remaining 30 trials including 147 prisoners disposed of by the Court, 20 were of Gang Robbery, 4 of which were with wounding, and 1 with Arson, and included 119 Prisoners. Of these 35 Persons, or between 1/3d and 1/4th were released unconditionally, 16 on security, and 68 were convicts. Of whom 39 were transported, 2 imprisoned above 7 and not more than 14 years, and 27 for seven years and under.—

33. The Lowpara Dacoity occurred during the half year 4 trials for Dacoity including 26 Prisoners. Of which one with 18 Persons was dispose of 4 of whom were released unconditionally, and 8 were convicts and transported. There were 5 trials for Perjury also disposed of, in which 3 Prisoners were convicted, and two released unconditionally. The remaining trials in which sentences were passed by the Court were 2, House breaking by night with wounding 4 Prisoners, 1 Person for receiving stolen goods, 1 of Robbery and burning 2 Prisoners, in all 7 Persons. of whom three were released

unconditionally, 2 Transported, 1 imprisoned above 7 and not more than 14 years; and 1 for Receiving stolen goods, was returned to the Circuit Court for sentence.—

34 The Judges will briefly remark, that it will be observed from these Statements, that the cases in which by far the larger proportion of acquittals took place, were gang robberies; Precisely those, in which from the nature of the offence, evidence and specific evidence is rarely to be had, particularly as respects identity of person; and where it is to be expected therefore, that the acquittals should be numerous. They need scarcely observe that their acquittals in other cases; as in those of murder, where 82 persons were concerned and only 9 were acquitted, do not comparatively bear a large average. and that proportion of convictions to acquittals in those cases of 8 to 1 will lend the Court trust, further to shew, the justice of their observations in para 13 of their proceedings of the 12th Ultimo. The Honorable Court of Directors appear to have made the observation contained in paras 37 and 39 of their Despatch there referred to, on a consideration of the

the total number of acquittals to convictions; in all the cases before the Court, not adverting particularly to the nature of the crimes, without which no inference can be safely deduced. For should the bulk of heinous offences at any time before the Court be of a character not easily susceptible of proof, as Gang robbery in this country, a large proportion of acquittals, to which the Honorable Court appear to object, must necessarily follow; and the reverse would evidence an imperfect, rather than a good administration of Criminal Law.

35. In the cases disposed of by the Zillah Sudder Dewanny Adawlut they overruled the Futwas of acquittal in 36 trials, in 22 of which, the Futwah was found on exceptions to the competency of the witnesses, and in 14 on the insufficiency of the evidence on the record. In these 14 Nos. the Judges on Circuit had expressed their opinion of the guilt of the prisoners in which the Court of Zillah Sudder Dewanny Adawlut concurred with the exception of one prisoner in a trial in which two were charged. Of the 89 prisoners included in these 36 trials, sentence of death was passed on 12, 56 were transported, 2 imprisoned above 7 and less than 14 years, and 19 for seven years and under, the grounds on which the Futwahs of acquittal founded on the insufficiency of the evidence were overruled, will be given in an appendix.

36. The Judges beg to explain in forwarding this report so long after it has been due, that the statements for the half year under review from the Northern Division, were not received till the 15th of May last. It was found necessary to return some of them for correction; and the last revised statement, did not reach this office, till the 6th Ultimo.

37. The Judges in obedience to the instructions conveyed in para 22 of the minutes of Consultation of the 8th August last, have resolved to pass that, with respect to the guilt of the majority of the prisoners in 13 cases out of 20 in which the Presiding Circuit Judge disapproved of the futwa of his Law officer, the Court of Zillah Sudder Dewanny Adawlut concurred with the Presiding Judge.

38. No trial having been disposed of by any of the Judges of the Court sitting singly it appears as required by the 4th Para of the dispatch

dispatch of the Honorable Court of the 20th March 18
communicated in the extract from the Minutes of
Consultation dated 22d February 1834. that of the Trials
disposed of by this Court during the half year
for which the present statement is prepared,
Mr. Cushington 1st Puisne Judge was a party to
the disposal of 41. Mr. Huddleston 3d Puisne Judge
of 63. Mr. Oakes acting Judge of 39: that Mr. Bir
who quitted the Presidency on sick certificate in
the first month of the year had been engag
in the disposal of 9 Trials previous to his depart
and that the Chief Judge Mr. Oliver was en
to the disposal of one case on which the other
Judges solicited his opinion.--

Ordered, that the Statements also
referred to, with extract from these proceedings
copies of the communications from the 4 Provincial
Courts of Circuit, together with the Statement of the
grounds of postponement of certain cases in the
Rellore Calendar for the 1st Sessions of 1833 by the
3d Judge on Circuit in the Southern Division, and
extract from this Courts proceedings thereon be
submitted to the Right Honorable the Governor in
Council

Council for his orders thro' the officiating Secretary to
Government in the Judicial Department.--

Sent to Govt 9th Oct 1834. (Sent in No. 1053)

Ordered also, that para 8 of these
Proceedings be sent to the Provincial Courts of Circuit
in the Southern, Western and Centre Divisions for
communication to the Magistrates of Tanjore, Malabar
and Cuddapah respectively.--

(Sent in No. 1054)

Ordered also, that paras 20 and 21
be sent to the 4 Provincial Courts of Circuit for
their information and guidance by Precept return-
-able within 2 months after the date of its receipt.--

(Sent following Precept No. 1055)

Appendix--

The following is an abstract of the
grounds of conviction in the 16 Trials disposed of by
the Tongdaree Adalut under Section II Regulation I 1818.
from the 1st of January to the 30th June 1833.--

No. 16 Combaconum Calendar 2d Sessions 1832.

The Prisoners.

1st Eragun
and
2d Anundagoorookul.

were charged with having robbed the daughter of
the

the Prosecutrix of jewels to the value of Rupees [illegible]

and with having wounded her so severely as to cause

her death.

They pleaded not guilty.

The Presiding Judge concurred with his Law

officer in the conviction of the prisoners whereas

the Cazee-ool-Cozat and Mooftees of the Sunder

Udalut gave, in their futwa, their opinion that

the crime charged against them was not proved

on the evidence of credible witnesses.

To the Court of Sunder Udalut this

appeared an aggravated case of Robbery by open

violence, but, as they deemed it not improbable the

the death of the deceased was occasioned by undue

treatment of the wounds, they did not agree with

the Presiding Judge that sentence of death should be

passed upon the prisoners and adjudged both the

Prisoners to be transported for life.

No. 5 Bellaree Calendar 2d Sessions 1832.

The prisoner

Shaik Chand

both when arraigned and when placed on his

defence denied the charge of having stabbed the

Prosecutor's Brother and thereby occasioned his death

The

The Provincial Law officer acquitted the

prisoner of the crime charged. The Presiding Judge

did not concur in this futwa.

The Cazee-ool-Cozat and Mooftees

of the Court of Sunder Udalut considered the evidence

adduced in support of the charge too contradictory

and discrepant to establish it.

After mature consideration of all

the circumstances of the case in evidence before

them the Court of Sunder Udalut were of opinion

that the proof against the prisoner was sufficient

to convict him of manslaughter. It did not appear

to them that the act of the prisoner amounted

to murder. The deceased, it was proved, kicked

the prisoner, and the parties were heated by

sudden quarrel. It was stated moreover by the

witnesses that the prisoner and deceased were

previously on good terms.

The depositions of the witnesses

were to the effect that the deceased and prisoner

were quarrelling one evening, that deceased cried

out that the prisoner had stabbed him, that

the prisoner was seen running away with a

naked

naked dagger in his hand - and that on the d
witnesses coming near the deceased a deep wound
was observable in his left side which occasioned
his death the same evening. The witnesses
to in the futwa of their law officers did not appe
of any weight to the Court of Enquiere Dedalut and
having taken a second futwa they sentenced
the prisoner, in commutation of the penalty of
Deyat awarded, to be imprisoned and kept to
hard labor in irons on the public roads or
other public works for the period of 3 (three) yrs

No 4 Salem Calendar 2d Session 1832.

The prisonir in this case

Attaun

when arraigned denied the charge of having struck th
Prosecutors son a blow on the head with a mamaty
by which his death was occasioned in the course of
month. When placed on his defence the prisonir sta
"One Evening as we were irrigating our fields, I and
the deceased quarrelled, he struck me on the back
with a stick upon which I returned the blow by st
striking him once on the head and causing a wound
about the size of a grain of paddy. The Prosecutor d
complained against me in the Zabok but we cam
to

to terms. Three months afterwards the death of the deceas
occurred."

The Provincial Law officer held the
prisoner convicted on strong presumptive proof and
in this finding the Presiding Judge concurred.

The Cazie-ool- Cooyat and Mooftee of
the Enquiere Dedalut considered that the crime charged
was not established against the prisonir.

The Court of Enquiere Dedalut it
appeared that there was no reason to suppose
that the intention of the prisoner was to kill the
deceased - the instrument used was the handle of
a mamaty - The Court were by no means satisfied
that the deceased did not die in consequence of
neglect for - though, as it would appear, he
lived a month after he received the blow, it seemed
that the wound was not dressed more than once
and it could not be a matter of surprize that
mortification ensued.

Of the witnesses in this case the
first and second deposed to having seen deceased
knocked down by the prisonir with the mamaty
handle which was produced in Court and two
other witnesses deposed to having seen the wound
on the corpse when in an advanced state of
mortification.

The

The Court of Sudder Adalut after taking a second future adjudged the prisoner, in commutation of the penalty of Death awarded to be imprisoned and kept to hard labor in irons for seven years.-

No 6 Malabar Calendar 1st Sessions 1833.-

The prisoners in this case

1st Parangot Ramen Nair - Ayakaladeshom Kolkar

2d Carriapil Ittamen,

3d Choorpadata Ramen,

4th Adangarah Murugan Nair, and

5th Manala Ramen Nair,

denied the charges of murder on which they were arraigned.-

The Judge who presided at the trial concurred with his Law Officer in the opinion that the prisoners were guilty - whereas the Cazee-ool Cozat and Mooftee of the Sudder Adalut considered that there existed only strong suspicion against the prisoners.-

The view taken of the case by the Judge of Circuit appeared to the Court of Sudder Adalut perfectly correct. He observes in his letter accompanying the trial. "The fate of the prisoners "must depend upon the degree of validity which "the Judges of the Sudder Adalut may consider

"to attach to their confession before the Darogah, my own "opinion is that they may be safely relied on as confessions "freely and voluntarily made and properly recorded. "They appear to me to be open to no objection and "to be liable to no suspicion; while on the other hand "they are much strengthened by various material "facts to which there is positive proof."-

The Presiding Judge then proceeds

"It was in evidence that the deceased was on the "evening of the murder carried away by the prisoners "from the house of 1st witness; and in confirmation "of the truth of the prisoners' (except the 5th) "statement of what was done with the corpse "after the murder there is the clearest proof to the "following points: viz: that stains of blood "and traces of violence were on the spot pointed "out as that where the deceased was killed: that "blood, as also the appearance of a body having "been laid there were likewise seen in that part "of the 1st prisoner's garden where the corpse was "stated to have been left the whole day after the "murder - that stains of blood were observed in "the 1st prisoner's compound thro which, it was "declared, the corpse was carried on the second night

"night for the purpose of being thrown into the well
"also on the stalk and leaves of a plantain tree
"a little further on and on the brink of the well
"itself: lastly that the stick with which the 2d Pr
"prisoner admitted he struck the deceased was
"at the place mentioned and that it was and still
"is partially stained with blood."

The Circuit Judge adds at the end
= clusion of his letter - "There is however this to be
"said for the 2d, 3d, 4th and 6th prisoners that as
"the 1st prisoner was the Amokum (or Division) Head
"(or Reon) he may have had influence enough to
"command in some measure their assistance" &
"there are certainly grounds for presumption in
"the above fact as also in that of the corpse
"them first taken to, and left for a whole day in
"his garden, that the 1st prisoner took a principle
"part in the murder."

The Court of Enquiry Dedalut were
= eighty proved sentence of death on the first
prisoner and adjudged the 2d 3d 4th and 6th to be
transported for life.

No. 17 Bellaree Calendar 2d Sessions 1832.

The prisoners
1st Goodoor Buseapaty
and
6th Goodoor Burmah
were

were charged with murder in the Prosecution of robbery
by open violence.

The Provincial Law officer convicted the
Prisoners of Gang Robbery only from which finding
the Presiding Judge differed and referred the trial.

The Cazee-ool-Cozat and Mooftee of
the Sudder Dedalut stated in their finding that
as the crime charged was not proved against the
prisoners on the evidence of credible witnesses they
should be released.

One witness in this case deposed
to the 1st prisoner being one of a Gang of Robbers,
who entered the Prosecutors house at midnight,
and to his having struck the Prosecutors Father
with a stick and thus broken his head.

The declarations of the prisoners
before the Tasildar attested by two witnesses contained
their confessions of having robbed the prosecutors
house.

There were witnesses to prove that
much of the stolen property was given up by
and through the means of the 1st prisoner.

The Court of Enquiry Dedalut having
called for certain additional evidence; ascertained
that the confessions of the prisoners had been
delivered before a Police officer duly authorized, and
being satisfied of the atrocious guilt of the prisoners
adjudged them both to suffer death.

The

No. 4 Madura Calendar 1st Sessions 1834

In this case the Prisoners

1st Caremanen poojany,

and

2d Chellaporoin,

were charged with robbery and murder. They pleaded "not guilty".

The future of the Provincial Law Officer declared suspicion only to exist against the 1st prisoner but that the 2d prisoner was liable to Asbolute. The Judge who presided at the trial did not concur in this future.—

The riot in which the murder and robbery charged against these prisoners was one in which the right and left hand castes came into collision and it was in evidence that the two prisoners were actively engaged. The prisoners however, brought forward in a separate cause having been condemned to death it appeared to the Court of Foujdaree Adalut that a sentence of transportation for life would be just and right in the present instance and they passed sentence in both prisoners accordingly.—

No. 2 Madura Calendar 1st Sessions 1833.

The prisoners

1st Pareya alagan,

2d Cota Caroopen,

3d Basoren, and

4th Veerabadren,

were charged with gang robbery attended with murder.—

The Law Officer of the Court of Circuit on the ground of some discrepancies and contradictions between the statements of the prosecutrix before the inferior tribunals and the Court of Circuit acquitted all the prisoners. & the Judge who presided at the trial the evidence in chief appeared consistent and connected even to the minute point of the position of the deceased (the prosecutrix's husband) and his alleged murderers when he received the wounds from which it seemed he had met his death. The discrepancies to which the Law Officer alluded in his future the Presiding Judge thought might have originated in a defect of memory.—

The Cazee — vol. Cozat and Mooftee of the Foujdaree Adalut considered the evidence, setting aside that which was contradictory as inadmissible, was insufficient to establish the crime charged.—

The Prosecutrix and the 1st 2d 3d and 4th Witnesses swore that they saw the four prisoners engaged in the murder of the deceased and

and the Court of Foujdaree Udalut concurred with the acting Judge of Circuit in regarding the discrepancies in their testimony noticed by the Law officers, as immaterial.--

The Court of Foujdaree Udalut seeing no sufficient ground for discrediting the evidence pronounced the prisoners guilty but considering the ends of justice would be attained by the capital punishment of the 1st and 2d prisoners adjudged them to suffer death - Spareing upon the 3d and 4th prisoners sentence of transportation for life

No 5 Rajahmundry Calendar 1st Sessions 1834.

Of the prisoners in this case the first died before trial. The other two

2d Paulop Mungadoo,

and

3d Jonnalagadda Venkatasamdoo,

both when arraigned and when plead on their defence denied the charge of Gang Robbery attended with aggravating circumstances.

The Presiding Judge concurred with his Law officer in the conviction of the prisoners "the charge against them appearing to be proved by the circumstance of the 3d Prisoner having been identified as one of the Gang by the Prose-

cutor by the confession of both the Prisoners at the time of their apprehension, that they were engaged in robbery and received for their share Nos 2 and 3 respectively (which are proved to be the property of the Prosecutor) which they claimed upon out of their homes as testified by the 1st and 2d witnesses; and by their having been seen in the Gang in the hills by the 3d witness whilst they have failed to prove that they were forced into the service of the Gang as Cawadeas as averred."-

The Cazee-ool-Coozat and Mooftees of the Foujdaree Udalut gave a futwa declaring the Prisoners to be liable to suspicion only of the crime charged.--

The view taken of the case by the Judge of Circuit appeared to the Court of Foujdaree Udalut to be in this instance, perfectly correct and they accordingly passed sentence of transportation for life upon both the Prisoners under the latter part of Clause 3d Section IV Regulation XV of 1803.

No 11 Nellore Calendar 2d Sessions 1832.

The Prisoner

Tollony Pariah

was charged with Gang Robbery attended with aggravating

aggravating circumstances. The Splendo not guilty.

The Provincial Law officer held the crime of Robbery to have been established against the Prisoner; and the Judge who presided at the trial likewise considered him to have been convicted - whereas the Cazee-ool-Cozzat and Mooftee of the Zoujdaree Adalut were not of opinion that there was evidence sufficient for the legal conviction of the accused:-

With respect to the Prisoner the Court of Zoujdaree Adalut concurred in opinion with the Judge of Circuit - several witnesses deposed to his confession of the crime and although the Witness states himself to identify the articles claimed up by the Prosecutor as his property, yet, he swore, that the articles so claimed up were of the same description as those plundered from his House and if the Prisoner did not come unlawfully by the articles which he gave up, his surrender of them appeared hand to be considered.-

The defence of the first Prisoner that there existed a quarrel between him and the Prosecutor he totally failed to establish.

After a mature consideration of

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all the circumstances of the case in evidence before them, the Court of Zoujdaree Adalut being of opinion that the Prisoner was convicted of the crime of Gang Robbery attended with aggravating circumstances passed on him sentence of transportation for life.-

No. 3 Malabar Calendar 1st Sessions 1833.-

The charge against the prisoner in this case.

Arthotatil Oovran

was the murder of the Prosecutor's Brother.-

In the futwa of the Provincial Law Officer the Prisoner was found guilty but the penalty of Deyut was stated as that to which the Prisoner had rendered himself liable. Deyut being barred in consequence of the quarrel, in which was involved the death of the deceased, having originated with the deceased.-

Although the Presiding Judge held the act of stabbing to have been proved against the Prisoner he was not of opinion, under all the circumstances of the case that a very severe sentence was called for.-.

Of the three witnesses who pretended that they saw the stab given, three appeared to the Court of Circuit no doubt that the first only witnessed

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witnessed it; and his account of what passed materially confirmed the prisoners story for he declared positively that the deceased was the aggressor and that the blows he gave the prisoner with the stick were the violent ones. It was after this provocation & assault to the grossest nature which had been given to the prisoner by the deceased - a person of inferior caste - entering his cookroom while drunk & the Conjee - and while they were still wrestling that the prisoner drew the Knife from his waist and stabbed the deceased under the left breast.

Suspicion only of the crime of murder was the feature of the Cazee-ool-Cozat and Mooftee of the Sudder Adalut -

To the Court the offence of the prisoner appeared to amount to manslaughter - and that taken a second feature, they adjudged him, in commutation of the penalty of Death, awarded it to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (3) three years -

No. 32 Bellary Calendar 7th Session 1833

The 8 prisoners in this case were charged with a highway robbery and wounding.

The feature of the Provincial Law Officer convicts all the prisoners of the crime charged on strong presumptive proof. To the Presiding Judge the facts appeared to be fully established and all the prisoners to be guilty of the charge -

S. M.

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The Cazee-ool-Cozat and Mooftees of the Sudder Adalut state in their future that in their opinion the evidence of the witnesses, leaving out of consideration the circumstance of the contradictions of the 1st 2d and 3d witnesses involving a complaint and the 4th witness being a Police officer employed in the apprehension of offenders, was on account of the contradictions in it as given before the Criminal Judge and the Circuit Court, unworthy of credit and insufficient for legal proof. -

Four individuals appeared on the part of the prosecution - the prisoners were supposed in company with one other and armed with sticks and hunting hatchets to have attacked the prosecutors and witnesses on the high road while returning together from market to have beaten them all with sticks wounded the 1st prosecutor severely with a hunting hatchet and robbed them of their property -

The statements of the prisoners contained nothing material in behalf of their defence -

There were three witnesses who proved the attack upon the party by an armed gang - two who proved the prosecutor being wounded

wounded with the nature of the wounds. three who recognized all the prisoners to have been among the Gang armed with sticks and two hunting hatchets. another witness deposed to the discovery and apprehension next day of the whole Gang and to the finding on them more than nine of the articles plundered. two others proved the identity of the property recovered in that taken from the prosecutors.

Under these circumstances the Court of Zillah Adalut came, without hesitation to the conclusion that the charge had been sufficiently proved and accordingly adjudged the Prisoners to be severally transported for life.

No. 2 Supplemental Calendar of the 1st Quarter disposed of this day

The eight first named prisoners were charged with Gang Robbery attended with aggravating circumstances and the three latter with receiving the stolen property knowing it to be so.

The Provincial Law officer did not consider the prisoners convicted. from this opinion the Presiding Judge dissented on the grounds the

statements of the prosecutors. the evidence adduced and the confessions of some of the prisoners were sufficient to establish the crimes charged against the prisoners respectively.

The futwa of the Cazee-o-Coozat and Mooftee of the Zillah Adalut was much to the same effect as that given by the Provincial Law officer and acquitted the prisoners.

To the Court of Zillah Adalut the discrepancies in the testimony of some of the numerous witnesses in this case were not deserving of the consideration which their Law officers had attached to them. It being however a case of considerable intricacy the Court deemed it incumbent on them to sift well the evidence of the persons who described themselves to have been eye witnesses of the transaction. After giving the best attention in their power to the trial they felt themselves constrained to reject the testimony of such of them as deposed inconsistently before the different authorities in regard to this point.

It appeared nevertheless that there were ten good witnesses against the 1st & 2d. and 3d. prisoners

Prisoners of four against the 5th of two against the
10th & 13th and 19th of four against the 22d &
These Prisoners all set up alibis but the wit
in support of the plea was generally wor
word the same and appeared to the Court of
Sovdaree Adalut to deserve no consideration.
With regard to the 29th 30th and
31st Prisoners the Court could not divest themse
of the conviction that they knew the property
they had received had been stolen. The 29th
Prisoner being a female was sentenced to
mitigated sentence of 7 years imprisonment
hard labor without irons. the 30th and 31st to the
same term of sentence but to hard labor in
The first eight Prisoners whose case the evidence
brought within the provisions of Clause 2d Sect
IV Regulation XV 1803 were adjudged by the
Court, to be transported beyond sea for life.
No. 1 Cheecacole Special Commission 1834.
Two of the Prisoners were charged with
having assembled together with a numerous
and in the road fored. upon the troops of
the Company, forcibly arrested their progress
engaged with them, and plundered proper
belonging to the said troops and to the offic

and also with having attacked the armed Force
of Government.

The 3d Prisoner stood charged with
having treasonably contrived, with the above Prisoners,
and certain other Persons, the stoppage of the troops
and the attack upon them and aided them therein.

They severally pleaded not guilty
both when arraigned and when placed on their
defence, before the Special Commission.

The Mahommedan Law officer
attached to the Special Commission gave a futwa
of Acquittal against the Prisoners.

The Special Commission this
futwa appeared correct and they consequently recorded
their opinion that the prisoners were guilty.

The Cazee-ool-Coozat and Mooftees
of the Sovdaree Adalut held that the prisoners ought
to be released as there was not the Proof of testimony
against them.

The Court of Sovdaree Adalut having
maturely considered the proceedings of the Special
Commission the futwa of the Provincial Law offic
and the futwas of the Cazee-ool-Coozat and Mooftees
of the Sovdaree Adalut sentenced the three prisoners
to be transported for life.

No.

No. 1 Special Sessions at Cuddapah 1834

Of the 61 Prisoners in this case 60 were unconditionally released by order of the Court of Circuit.—

The other Prisoners both when arraigned and when placed on their defence denied the charge of having engaged in a riot and of having been accomplices with a Gang of rioters, who, on seeing a Dig with its throat cut in the Imlimab of the Mosque of the Town of Cuddapah had assembled together near the Cutwals' Chauttry and who, being armed with, swords, daggers, spears, sticks and stones rushed upon Mr. Macdonald, the Joint Magistrate and upon Kummool Mohammud Naigue, Sheik Abeulla and Sheik Abdulnabee, Sepoys, threw stones, wounded them severely with their spears and Killed them: and wounded with stones & Bildeebais, and Rungapah Sepoys.—

The Provincial Law officer in his futwas declared that 52 of the Prisoners should be discharged from confinement as guilty and that the rest of the Prisoners were liable to Lazeer at the discretion of the Hakim. The Officiating

Additional Judge having referred the records of the Trial, the Cazee-ool-Cozzat and Mooftees of the Sunsaree Adalut gave their opinion in their futwa that although from the "circum-
"-stances detailed in the proceedings the
"innocence of the said Prisoners of the crime
"of creating disturbance: and of throwing stones,
"and of their being accomplices in the riot
"is not by any means established. Yet since
"they, through zeal for their religion and
"because of the pollution, by an unclean
"thing, of their place of worship created the
"riot, and had no selfish objects in view or worldly
"malice, as in the case of murder and theft,
"no blame attaches to them by the Mahomedan
"Law rendering them liable to a sentence of
"punishment."

The Court of Sunsaree Adalut having maturely considered the proceedings of the officiating Additional Judge and all the circumstances of the case in evidence before them, concurred in opinion that the Proof against 6 of the Prisoners was sufficient to convict them of murder and accordingly sentenced

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sentenced them to suffer death by being hanged at a place to be selected by the Criminal Judge in the immediate vicinity of the scene of the murder and at an hour to be determined by the Criminal Judge in consultation with the officer commanding at Cuddapa.-

The Court of Foujdaree Adalut considering the proof against the other prisoners to be sufficient to convict them of aiding and abetting in the commission of murder, adjudge them to be transported for life.-

L.H.C.

L.H.

At a court of the Foujdaree Adalut.

Present,

Monday, 29th September, 1834. John Bird Esqre acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre acting Judge.

Read Petition presented by Alamalummah of the zillah of Tinnevelly on the 22d instant.-

(Here enter P: P: No 80. of 1834.)

The object of the Petitioner is to have the sentence of the Court of Circuit passed upon her son Ayahvee of 7 years' imprisonment reversed, and her son released. She alleges, that he was unjustly taken up in consequence of bearing the same name as another man against whom the summons was issued.-

2. The assertions in the above petition are of a highly disrespectful nature, and there is no appeal from the recorded sentences of a Court of Circuit.-

Ordered therefore, that the Petition be rejected - and that copy of these proceedings be furnished to the Petitioner upon her application.-

Read letter, dated the 10th instant, from the Late Officiating Judge late on Circuit in the Northern Division now at Bellary, transmitting the record in Case No 23. on the Bellary Calendar 2d Sessions of 1833. (Here enter No 1307)

The

Mr. Baird
&
Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the Prisoners-

1st "Sunkorranty Goorawdoo,"
2d "Jummoola Paupadoo,"
3d "Do Bekegaudoo,"
4th "Do Venkatramoodoo,"
5th "Caundra Lutchegaudoo,"
6th "Pullum Vencategaudoo,"
7th "Jada Jyegaudoo,"
8th "Moodoony Chenchoo Paupadoo,"
9th "Lada Nauregaudoo,"
10th "Chavoorro Chengadoo,"

but taking into consideration the circumstances under which the Robbery was committed, and the confinement already undergone by the Prisoners, the Court resolve to remit the punishment and accordingly direct that the said Prisoners be set at liberty.-

(Sent following letter No. 1060)

Read letter dated the 18th instant, from the late officiating Judge late on Circuit in the Northern Division,- transmitting the records in Case No. 57. on the Nellore Calendar 2d Sessions of 1833.-

(Here enter No. 1279.)

Mr. Baird
&
Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid convicting the Prisoners,-

2d "Joopaukoola Pursadoo,"
3d "Patalony Paupadoo,"
4th "Potla Venkatarameegaudoo,"
5th "Uddunky gaudoo alias Pursigaudoo,"
6th "Pattony Palosgaudoo,"

but taking into consideration the circumstances under which the Offence was committed and the confinement which the Prisoners have already undergone, the Court resolve to remit the punishment and accordingly direct that the said Prisoners be set at liberty.-

(Sent following letter No. 1061)

Mr. Baird
Mr. Barnes.
and
Mr. Campbell.

Read letter, dated the 11th instant, from the Provincial Court of Circuit in the Northern Division

Division, transmitting copies of the Replies from the several Subordinate Authorities in charge of Jails in the Division, to the orders of the Foujdaree Adalut of the 25th June last, regarding the revision of the Jail Establishments

(Here enter No. 1324 of 1834.)

1. It should be intimated to the acting Criminal Judge of Rajahmundry, that the 22 Peons sanctioned by Government, as a Jail Guard, will form a fixed establishment to be entered on the Mooncipality and that the others employed to Guard,— not only the convicts but all prisoners, liable to labour outside the Jail, in the proportion of 1 to 4 are "extra" Peons, varying of course with the variation in the Number of persons to be guarded.

2 With reference to para 4 of Mr. Brown's letter, the Court observe that there is not the slightest intention to withdraw the Military Guard.

3. Adverting to para 2. of the letter from the acting Joint Criminal Judge at Masulipatam, the Court observe that the proportion of Peons—1 to 4. is to be considered applicable to convicts and all persons liable to labour outside the Jail.

4 The Replies from the other authorities require no further remarks. The authorities in charge of the Jails at Nellore and Guntoor have already been called upon to submit through the Provincial Court their opinions respecting the Number of Peons which

which they respectively require to form a fixed Jail Guard, instead of the fluctuating one at present authorized.

5. The acting Criminal Judge of Nellore should also be called upon to state whether his establishment of Peons has now been revised, in conformity with the orders of the 26th August last; which circumstance does not appear in his communication of the 6th ultimo to the Provincial Court.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance.

(Sent in No. 1062)

Read letter, dated the 17th instant, from the Provincial Court of Circuit in the Southern Division, transmitting copies of the Returns received from the different authorities in the Division in reply to the observations of the Court on the Criminal Reports for June last, communicated to them respectively.—

(Here enter No. 1345 of 1834.)

1. With the Return of the Magistrate of Trichinopoly, which alone appears to call for any remark, are forwarded copies of a letter addressed by that Officer to the Circuit Court, and

and of one from his Head assistant, relative to the delay, which occurred in the disposal by the latter of the case No. 138 (Report 5.)

2. The object of Mr. Blair appears to be to impress upon the Court of Circuit, and through them upon the Judges of the Zillah Adalut, the impolicy of extending the provisions of the Regulation, which requires that prisoners shall be dispatched from the Talook within 48 hours after their apprehension, to all cases, indiscriminately and it is further urged (and a great part of the Head assistant's communication is occupied in endeavouring to establish the same point) that the order in question cannot be considered applicable to the European Magistracy.-

3. Upon this the Court observe, that there is no doubt that Clause fourth Section XXII Regulation XI 1816. applies to Native officers exclusively. Five days was fixed by this Court as the period beyond which explanation of delay was enjoined upon the European Magistracy.- But in both instances, it never was contemplated that all cases promiscuously should be forwarded within 48 hours by natives, or 5 days by the European Magistracy.- Cases, in each instance, must occur requiring further delay, and all that was intended is that detention beyond the prescribed

prescribed periods though permissible, both to the Native Police and the European Magistracy, should in all cases be accompanied by good and sufficient cause shewn for its necessity.- Indeed they consider that the present instance affords ample evidence of the absolute necessity, of continuing to maintain not only over the inferior native servants, but also over their European superiors, this species of control, to establish which was the object of the Circular orders objected to by Mr. Blair, who seems to have misunderstood their intention.-

4 That "Sacrifice of personal Liberty," which the Head assistant Magistrate observes, was "simply and solely" the inconvenience which the prisoners in the above case sustained, has generally been considered the dearest sacrifice which any individual can make; and if it be indeed true, that the "inconvenience" is one, "to which in all countries those must submit who fall under suspicion of such offences" &c. it becomes the still more imperative duty of the Magistrate to take care that his speedy examination and decision shall either confirm the suspicion which has been excited, or absolve the innocent party from the charge, within the shortest possible period.-

5 In the present case, there was certainly

certainly cause for the prolonged detention of the parties; but the Court cannot but consider that the reasons assigned by the Head Assistant Magistrate are insufficient to justify that serious delay, which extending to a period of nearly 3 Months attracted the notice, and very properly received the animadversion of the Provincial Court of Circuit.

Ordered that extract from these proceedings be sent to the Provincial Court for Circuit in the Southern Division with instructions to transmit copy of it to the Magistrate of Trichinopoly for his information, and the information and future guidance of his Head Assistant.

(Sent in No. 1063)

Read letter, dated the 12th instant, from the 3d Judge on Circuit in the Western Division recommending a remission of the punishment to which the Prisoners in Case No. 33 on the Calicut Calendar for the second Sessions of 1834, are liable.

(Here enter No. 1349 of 1834)

1 The Court having given their attention consideration to the circumstances detailed in the above letter, and to the documents which accompanied it, are of opinion that they are not competent to order the remission of the punishment as requested by the 3d Judge, unless the trial in question is referred to them.

2 They accordingly resolve to return the papers which accompanied the above letter to the 3d Judge on Circuit, and at the same time to suggest to that Officer the expediency of transmitting the Record of the case, for the consideration and orders of the Superior Court, without delay, & in the mean time to release the Prisoners on Bail.

Ordered accordingly that Extract from these proceedings be sent to the 3d Judge on Circuit in the Western Division for his information.

(Sent in No. 1064)

Read letter, dated the 19th instant, from the late officiating Judge late on Circuit in the Northern Division.

(Here enter No. 1351 of 1834)

1. The Late officiating Judge in the above letter, submits his observations upon the Proceedings of the Faujdaree Adalut of the 11th Ultimo, on a letter from the 1st Judge on Circuit in the Northern Division, holding Sessions at Nellore, stating the doubt he entertained of the equity of hearing further evidence on the part of the Prosecution, in two cases postponed from the last Sessions in which the defences of the Prisoners had been taken.

2. The 1st Judge was accordingly instructed to close the Trials and to pass sentence upon the

F.R.

15 Sabbadee 1834

F.R.

29th September 1834.

the evidence already taken -

4 Mr. Casamajor to whom copy of the proceedings was sent now explains, that the Witnesses on whose account the Trials were postponed were in both cases, Witnesses for the Prisoners and not for the Prosecution -

5. The Court consider this explanation to be satisfactory -

Ordered accordingly, that extract from these Proceedings be sent to the Late officiating Judge late on Circuit in the Northern Division for his information -

(Sent in No. 1065)

Ordered also, that extract from the proceedings with Copy of Mr. Casamajor's letter be sent to the 1st Judge on Circuit in the Northern Division by Precept, Returnable without delay, for his information, and with reference to his letter of the 1st and the Proceedings of the Sayderee Adalut of the 11th Ultimo -

(Sent following Precept No. 1066)

Ed. F.R.

F.R.

27 Sept. 1834

Read return dated 23d Instant - from the Acting 2d Judge late on Circuit in the Centre Div. - to precept of the F.R. dated the 5th Instant directing him to call upon the Crim. Judge of Chingleput to submit his own opinion upon the age of the Prisoner Sadaseven in Case No. 1 Chingleput Calr. 1st Sessions of 1833 -

(Here enter No. 1372)

Read return dated 18th Instant - from the Acting 2d Judge late on Circuit in the Northern Division to precept of the F.R. dated the 25th Ultimo. Conveying his observations and orders in the Rajahmundry Calendar for 1st Sessions of 1834 -

(Here enter No. 1365)

Read

At a Court of the Foujdaree Adalut.

Present,

Tuesday 30th. September 1834. John Bird Esqre. acting 1st. Puisne Judge,
Thomas Alexr. Oakes Esqre. acting 2d. Puisne Judge,
Alexr. Duncan Campbell Esqre. acting Judge,

Read letter, dated 19th. Ultimo, from the Special Commission at Chicacole, transmitting the Record in Case No. 1. on the Chicacole Special Calendar.-

(Here enter No. 1200.)

Question.

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

"Savary Towtee Dorah"

is sufficient to convict him of a crime against the State by attacking and burning a village, subject to the Government, and forcibly rescuing a prisoner from the custody of the Government Officers, do, under the authority with which they are vested by Clause First Section II Regulation I of 1813, convict him thereof, and in conformity with the provisions of Clause second of the same Section, they direct their

their Law officers to declare by a second Futwa to what sentence the Prisoner would be liable, if convicted on full legal evidence of that crime.

Answer—

In the event of the above mentioned crime being established by the evidence of credible witness against the said Prisoner, he is liable to Sookoolut.

Mr. Byrd
Mr. Oakes
Mr. Campbell.

The Court of Fouzdaree Adalut, under the sentence of Sookoolut declared in the foregoing Futwa, and in conformity with the Provisions of Clause third, Section VII Regulation XII of 1803, sentence the Prisoner—

"Savary Twrtee Dorah"

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

The Court direct that their entire in Trial No. 1. from the Chicacole Special Court, together with the whole of the Proceedings held in the case, be transmitted to the officiating Secy to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council to the intent, that the Court may, in conformity with the Provisions of Section V Regulation

XII. Regulation XX of 1802, receive the orders of Government before they direct their sentence to be carried into execution.

Sent to Court No. 185. (Sent in No. 1070)

Read letter dated the 11th instant from the acting 2d Judge late on Circuit in the Northern Division, transmitting the Record in Case No. 28. on the Guntoor Calendar 1st Sessions of 1834.

(Here enter No. 1352.)

Mr. Campbell.

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

1st Doodacoola Mustan
2d Callapally Naugasa
3d Doodakoola Bada Saheb
4th Anderanje Veeramullon
5th Custala Dr Logadoo

is sufficient to convict them of the crime of Gang Robbery by open violence, attended with aggravating circumstances, do, under the authority with which they are vested by Clause third, Section V Regulation VIII of 1831, and Clause First Section II Regulation I of 1818 convict them thereof; and in conformity with the Provisions of Clauses

Clauses second ~~and~~ Fifth, Section IV Regulation XV of 1803, sentence the Prisoners-

1st Dordasola Mastan

2d Collapully Nangata

&

3d Dordacosla Badasaheb

to be transported to such place beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public Roads or other public works, for and during the period of their natural

And the Prisoners-

4th Anderauze Veeramallon

5th Custala Jogadoo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of 12 years-

(Sent following letter No 1071)

Read letter dated the 12th instant from the acting 3d Judge late on Circuit in the Southern Division- transmitting the last portion of the Chicacole Calendar for the 1st Session of 1833 commencing with case 39-

(Here enter No 1338-)

Case 41. 1. The proceeding of the acting 3d Judge in stopping the trial, before he had taken evidence as to the property was injudicious, and as the prisoner

were not heard in their defence, they cannot be legally required to find security. The acting 3d Judge will accordingly issue orders for their discharge if they are in confinement or cancel the security bond if it has been entered into-

Cases 42- 66 & 67. 2. In these cases the acting 3d Judge should have stated whether or not he concurred in the finding, and also the reason for referring the trials; or the provision of the law that requires them to be referred-

Case 43. 3 The acting 3d Judge having entered on the trial of this case should unquestionably have completed it- The circumstances connected with it are certainly of an extraordinary nature, & the ends of Justice demanded that the case should have been fully investigated and a regular trial held- Under the explanation of the Presiding Judge it is not clear, that the Prisoner has been legally acquitted: and she has thus been left liable to be brought up again for trial- It is difficult to reconcile her alleged confession before the Criminal Court with the statement given by Mr Strey that she there declared it to have been induced by intimidation, which would be tantamount to recantation, instead of confession before that tribunal-

as

Case 46. 4 As it was set forth in the charge, that the Prosecutor was wounded with a knife, it would have been more satisfactory if the Acting 3d. Judge had signified the nature of the wounds in the Column of Remarks, vizt. whether severe or otherwise.

Case 47. 5 The Acting 3d. Judge appears to the Court to have disposed of this case correctly.

Case 51. 6 With respect to this case it is to be observed that the charge states, that the prisoner was accused of having aided in and abetted the Murder supposed to have been committed by Savara Kuna, Savara Rugo & others. The Court of Fouzdaree Udalut consider that the Acting 3d. Judge acted most correctly in not putting the prisoner on his trial, as the grounds upon which he acted are untenable. On reference to the record of the trial in which the case of the supposed murderers was disposed of, it appears that the 1st. prisoner was not considered guilty by the Judge who presided at the trial, & deserving of a sentence of capital punishment but the prisoner in question having died before the Record reached the Court of Fouzdaree Udalut no judgment was passed upon him. The 2d. prisoner was found not

not convicted by the Court of Fouzdaree Udalut but was held guilty by the presiding Judge. The Acting 3d. Judge will accordingly take instant measures for bringing the Prisoner in the Calendar before him anew for trial for aiding & abetting the murder and report what he may do under these orders.

Case 53. 7 According to the evidence in this case as reported in the Calendar the Police did not do their duty. They appear only to have advised & to have taken no measures to prevent the sacrifice. The 5th. Witness is designated Ameen and if, as is to be inferred he was a Police Ameen his inattention would not be too severely punished, in the opinion of the Court by dismissal. The Acting 3d. Judge will call upon the Magistrate to report what enquiry he made into the circumstances attending this Suttee & if no enquiry should have been made. The Acting 3d. Judge will enjoin him to call those of the Police concerned to account for not having prevented the sacrifice.

8 If the Sentence is recorded correctly in the Calendar 1st. prisoner to 5 years labor in irons and a fine of 100 Rupees

Respects the acting 3d Judge will amend it by adding the term of imprisonment to which in default of payment of the fine the prisoner is liable, & the acting 3d Judge will accordingly explain whether or not the Sentence here appears correctly recorded.

Case by. 9. The acting 3d Judge will report whether he took any steps to enforce the evidence of any of the other witnesses by warrant, or, whether the want of knowledge of their names or others induce him to refrain from that course.

Case 7/0. 10. It is to be regretted that the trial of this case was not proceeded with as much as might have been elicited on the trial appears in the Calendar. It appears to the Court that there was strong evidence against the 1st prisoner and against the 2d there was the Testimony of the 5th & 6th Witnesses. The acting 3d Judge will explain the grounds upon which the prisoners have been released on Bail. If the acting 3d Judge has held them to security with a view of further evidence against them, and proceeding with the trial he has acted correctly; but if they have been required to give security on the grounds of suspicion without trial they must be released, on the Bailbond cancelled.

11 The Court of Fouzdaree Adalut direct that the transmission of separate proceedings respecting cases in the Calendar be discontinued as the explanations requisite are more apposite in the Calendar itself; The acting 3d Judge appears to have overlooked the 9th para of the proceedings of this Court of the 25th July last where the same point was explained to him. In conclusion the Court of Fouzdaree Adalut have to observe that the acting 3d Judge having had before him a Calendar of 78 cases of which a considerable number he did not try at all, & others were of a light nature, occupied a length of time in disposing of it which they are unable to understand; and it will be satisfactory to them to have an explanation of the cause of his protracted stay at Chicacole.

12 The acting 3d Judge it is to be remarked has not made return to the formal Precept of this Court dated the 22d August last conveying the observations and orders of the Court of Fouzdaree Adalut on the first portion of the above Calendar and the Court now direct that it be transmitted within 5 days after receipt of the Extract from these proceedings with an explanation why it has not been forwarded earlier.

Ordered.

Ordered that Extract of these proceedings be sent to the acting 3d Judge late on Circuit in the Northern Division for his information and guidance by Precept Returnable within 15 days after its receipt.

(Sent following Precept No. 1072)

Read letter dated the 13th instant from the Provincial Court of Circuit in the Western Division transmitting copies and translation of the Reports received from the Subordinate Courts in the Western Division as required by the Sunjdaree Adalut proceedings of the 24th April 1834, regarding the revision of the Jail Establishments.

(Here enter No. 1347. of 1834.)

1 The Criminal Judge of Malabar is unable to gather the intention of the Sunjdaree Adalut as to which portion of the Peons attached to his Jail is to be denominated "extra"

2 It must be intimated to that Officer, that those only are "Extra" Peons, who Guard the convicts at work outside of the Jail.

3 The Court are unable to recommend for sanction Mr. Nelson's proposition that a proportion of Naicks at a Monthly pay of

of Six Rupees be again entertained.

4 The Acting Joint Criminal Judge at Honore, represents that the Jail Guard of that station is insufficient, and he enters into a detail of the duties which are required from it.

5 From a consideration of the circumstances detailed by Mr. Forsyth, it appears to the Court that no doubt can be entertained, that the six Peons at present allowed are inadequate to the performance of the various duties which fall to their Lot: & they accordingly resolve to transmit a copy of the acting Joint Criminal Judge's letter to Government, with a recommendation that the increase proposed by that Officer in para 7. of his letter to the establishment at Honore, of 6. Peons, at a Monthly pay of 5 Rupees each be sanctioned.

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division with instructions to transmit copy of paras 1. 2. & 3. to the Criminal Judge of Malabar and of paras 4 and 5. to the acting Joint Criminal Judge at Honore, for their information respectively.

(Sent in No. 1073)

Ordered.

Ordered also, that Extract from these proceedings with copy of Mr. Forsyth's letter be transmitted to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.

Sent to Govt. 2nd Feb. (Sent in No. 1074).

As it is desirable that the remaining cases on the Masulipatam Calendar, for the 2d Quarterly Sessions of 1834, should be disposed of with as little delay as possible, the Court resolve to issue orders to the 1st Judge of the Provincial Court of Circuit in the Northern Division directing him to transmit to them forthwith Records of the Trials No. 45 on the above mentioned Calendar, and of Trial No. 1 on the Supplemental Calendar for the same Sessions, which have not yet been received.

Ordered that Extract from these Proceedings be sent to the 1st Judge of the Provincial Court of Circuit in the Northern Division by Precept returnable without delay.

B/P.S. (Sent following Precept No. 1075)

Read letter, dated the 29th July last, from the 2d Judge late on Circuit in the Southern Division, transmitting the English translation of the Proceedings in Case No. 46. Combaconum Calendar for the 1st Sessions of 1834, called for in the Court's letter of the 1st May last.

(Here enter No. 1032.)

Read letter, dated the 28th July last, from the Provincial Court of Circuit in the Northern Division - transmitting copy of the letter of the Ganjam Magestrate.

(Here enter No. 1061.)

Read letter, dated the 7th November 1833 - from the Provincial Court of Circuit in the Centre Division transmitting the accompanying Statement No. 3. for the half year ending 30th June last, from the Native Criminal Judge at Cumbum.

(Here enter No. 1306 of 1833.)

Read letter, dated 14th July last, from the Provincial Court of Circuit in the Northern Division - Returning the printed Statement of the Magistrate of Nellore for the 1st half year 1833, together with a copy of his letter which accompanies it, dated 3d Instant.

(Here enter No. 954.)

Read letter, dated the 20th March last, from the Provincial Court of Circuit in the Northern Division - Returning the printed Statement No. 2, Masulipatam

30th September 1834.

Masulipatam Magistrate, for 1st half year 1833, and promising to send up the Nellore Statement on receipt thereof.—

(Here enter No. 290)

Read letter, dated the 10th January last, from the Provincial Court of Circuit in the Centre Division, with Extract from the proceedings of the Provincial Court, transmitting copy of a return from the Magistrate of Cuddalore, enclosing the printed Statement No. 2 for the half year ending 30th June 1833, sent for correction.—

(Here enter No. 40)—

At a Court of the Foujdaree Udalut

Present,

Friday 3d. October 1834. John Bird Esqre. Acting 1st. Puisne Judge,

Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge,

alexr. Duncan Campbell Esqre. Acting Judge,

Read letter, dated 2d. June last,

from the 1st. Judge on Circuit in the Northern Division,

transmitting the record in Case No. 12 on the

Masulipatam 1st. Calendar for the 2d. Quarterly

Sessions of 1834.

(Vide enter No. 1364.)

Mr. Bird & Mr. Oakes.

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

"Chagonda Veerados"

is sufficient to convict him of the crime of wounding &c under the authority with which they are vested by Clause First Section II Regulation I of 1818. convict him thereof. But taking into consideration the confinement which he has already undergone, they Resolve to remit the punishment and accordingly direct that the said Prisoner be set at liberty—

With reference to para 15 of the letter

letter from the 1st. Judge of the Northern Provincial Court, which accompanied the foregoing trial, the Court observe that the depositions of deceased persons must in all cases be admitted; but that the degree of weight and credit to be attached to them must depend entirely upon the circumstances under which such depositions may have been given.

Ordered, that Extract from these proceedings be sent to the 1st. Judge of the Provincial Court of Circuit in the Northern Division for his information.

(Sent following letter No. 1080)

Read letter, dated the 10th. Ultimo from the Late Officiating Judge late on Circuit in the Northern Division, now at Chilaw, transmitting the Record in Case No. 54 on the Mallore Calendar 2d. Sessions of 1833.

(Here enter No. 1302.)

The Court of Requests being duly constituted

Mr. Bird
Mr. Oakes.

having maturely considered the proceedings held before the Judge on Circuit, the Letter of the Provincial Law Officer, and the Letter of the Cayer-vol: Appeal and Proofs of the Soujdaree Adalut, confirm such part of the said Sentence of the Cayer-vol: Appeal as

and Moofleas aforesaid, as acquits the Prisoners-

2d. Mundeyogoo Pedda Unkadoon
3d. do. do. Iyeyaudoon
4th. Goontacauny Sinna Unkadoon
5th. do. do. Pedda Unkadoon
6th. Gosaula Pelooyaudoon
7th. Mundeyogoo Chinnaunkadoo
8th. do. do. Yeddeslayaudoon
9th. Canoopauty Unnegadoo
10th. Vayoony Nauregadoon
12th. Sutoocony Yenavadoon
13th. Cheyoorpauty Verradoon

and accordingly direct that they be set at Liberty.

But being of opinion that the proof against the Prisoner-

1st. Gosala Unkadoon

is sufficient to convict him of the crime of an attempt to Rob Grain, the Court do under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict him thereof- but taking into consideration the circumstances under which the offence was committed, and the confinement already undergone by the Prisoner, they resolve to remit the punishment and accordingly direct that he also be

set

Set at Liberty.

(Sent following letter No. 1081)

Read letter, dated the 15th Ultimo from the Late Officiating Judge late on Circuit in the Northern Division, Zone at Chittoor, transmitting the Records in Case No. 61 on the Nellore Calendar 2d. Sessions of 1833.

(Here enter No. 1319.)

The Court of Foujdaree Udalut,

Mr. Oakes
Mr. Campbell

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoners

10th. Cullony Pollegaudoo
&
11th. Cataposdy Pologaudoo

and accordingly direct that they be set at Liberty.

And being of opinion that the proof against the Prisoners

4th. Cheetoo Naraudoo
&
5th. Cataposdy Nallavaudoo.

is sufficient to convict them of the crime of Gang

Gang Robbery, the Court do, under the authority with which they are vested, by Clause First Section II. Regulation I of 1818, convict them thereof; but, taking into consideration the circumstances under which the offence was committed, and the confinement already undergone by the Prisoners, the Court resolve to remit the punishment and accordingly direct that they be set at Liberty.

(Sent following letter No. 1082)

Read letter, dated the 12th. June last from the Acting 3d. Judge on Circuit in the Centre Division, submitting the Records in Case No. 5 of the Bellary Calendar 1st. Sessions of 1834.

(Here enter No. 1294.)

Mr. Campbell.

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, and under the provisions of Clause Third, Section V. Regulation VIII of 1831 and Section XXI Regulation VII. of 1802, and Clause Second Section VI Regulation I of 1825. Sentence

the

the Prisoners-

1st. Keemah

2d. Hoogherah

3d. Lalah or Gholah

4th. Magah

5th. Nursingah

6th. Hamah

7th. Ramah

8th. Ramor-

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for and during the period of Nine (9) years.

(Sent following letter No. 1080)

Read letter, dated the 1st. from the acting 3d. Judge on Circuit in the Southern Division- submitting the record in Case No. 55 of the Bellaree Calendar 1st. Sessions of 1834-

(Here enter No. 1369.)

The Court of Sudder Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officers and the Futwa of the Cazee-ool-Cozat and Mooftees of the Sudder Udalut, confirm the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid & acquit the Prisoners

2d. Nauraygaudon

4th. Sinmoygaudon

Mr. Reid
Mr. Campbell

but considering that strong suspicion though not amounting to conviction attaches to them, they direct, under Clause Sixth, Section II Regulation XV of 1803, that they be severally required to find two sureties in 25 Rupees each surety, for their good behaviour and appearance when required within 2 years, or that in default thereof, they be detained for 2 years in confinement-

(Sent following letter No. 1084)

Read again Petition presented on the 27th. January 1834. by Soobramanya Tavee of the zillah of Tinnevelly-

(Here enter N. P. No. 7 of 1834-)

Read also Return dated the 19th. Ultimo, from the 2d. Judge late on Circuit in the Southern Division, to Precept of the Court of Sudder Udalut under date the 25th. Ultimo, directing him to forward an English translation of the Records of the Trial. No. 4. on the Tinnevelly Calendar, for the 2d. Sessions of 1831 and of the additional evidence taken subsequently to the receipt of this Courts Precept, of the 28th. February last-

(Here enter No. 1369. of 1834-)

An attentive consideration of the Records of the above case, and of the additional evidence

evidence taken, in conformity with the orders of the 22d. February last, have satisfied the Court that the doubts which they precariously entertained of the Guilt of the Prisoners were well founded-

2 They accordingly resolve to direct the 2d. Judge late on Circuit in the Southern Division to cause the immediate and unconditional release of the Prisoners in the Case in question-

Ordered accordingly, that Extract from these proceedings be sent to the 2d. Judge late on Circuit in the Southern Division for his information and guidance by Precept, returnable without delay

(Sent following Precept No. 1085)

Read letter, dated the 20th September 1834, from the acting 3d. Judge of the Court of Circuit in the Northern Division, requesting the opinion of the Court of Sudder Adalut as to the propriety of an order issued by him when on Circuit, directing the restoration of stolen Grain by the Head of Police to the prosecutor, previously to the disposal of the cause by the Court of Circuit-

(Here enter No. 1384)

1 As a general principle, the Court of Sudder Adalut are of opinion, that until the trial is over, all Recovered property must be held in deposite for if the prisoners are acquitted, it belongs to

them if convicted, to the Prosecutors-

2 With regard to grain, however, and other perishable articles, the Court are aware that cases may arise where the whole property could not safely be long retained, and could not be sent up to the Court, and if sufficient proof exists that it belongs to the prosecutor, it may upon due security being furnished by him, for its disposal as may be eventually decided by the Circuit Court be delivered to the Prosecutor under the sanction of the Criminal Court-

Ordered, that Extract of these proceedings be furnished to the acting 3d. Judge on Circuit in the Northern Division for his information & for communication to the Joint Criminal Judge of Guntoor-

(Sent in No. 1086.)

The Criminal Reports prescribed by Section XXXV Regulation X 1816 from the Centre Division for the Month of July not having been received although due on the 1st. Instant-

Ordered, that the Provincial Court of Circuit in the Centre Division be requested by Precept returnable within 5 days after its receipt to transmit the said Reports & to explain the cause of the delay in their transmission-

(Sent following Precept No. 1087)

F. R.

3d. October 1834.

Read letter dated the 23d. Ultimo from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, forwarding English and Persian Translations of the Proceedings in Case No. 4. on the Cumlum Calendar for the 2d. Session of 1833 —

(Here enter No. 1391. of 1834.)

1 The above Trial is submitted in conformity with the Precept of the Foujdaree Udalut under date the 11th. November 1833 with the proceedings accompanying which, they express their opinion that the Prisoner had been convicted on insufficient grounds.

2 An attentive consideration of the Record of the case has confirmed that opinion, and the Court accordingly, considering the evidence on the part of the prosecution to be most unsatisfactory and insufficient for conviction, and the 2d. question to the Law officer illegal, resolve to direct the acting 2d. Judge to order the immediate and unconditional release of all the Prisoners —

3 The Court observe with surprize that a period of very nearly eleven months has elapsed

F. R.

3d. October 1834.

elapsed between the issuing of their order of the 11th. November 1833, and the consequent transmission of the Record of the case: and they deem it necessary to direct the acting 2d. Judge to ascertain and report to them the cause of this extraordinary and reprehensible delay —

Ordered, that Extract from these proceedings be sent to the acting 2d. Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay —

(Sent following Precept No. 1088) —

F. R.

At a Court of the Foujdaree Adalut.

Present

Monday 6th October 1834. John Bird Esqre acting 1st Puisne Judge,

Thomas alexr Oakes Esqre acting 2d Puisne Judge,

alexr Duncan campbell Esqre acting Judge,

Read letter, dated the 22d Ultimo, from the Late Officiating Judge Late on Circuit in the Northern Division, transmitting the record in Case No. 98. of the Nellore Calendar 2d Sessions of 1833.

(Here enters No. 1366)

Mr. Bird / Mr. Oakes

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

1st Dhodepaulla Borriah

2d Danga Lomadoo

3d Gudda Andevegaudoo,

4th Pantebundla Andevegaudoo,

5th allandy Adadoo

6th Talamy Enkadoo

7th & 8th — Venkatasingaudoo

is sufficient to convict them of the crime of Gang Robbery, &c, under the authority with which they are vested by Clause 3rd Section II Regulation I of 1818 convict them thereof, and in conformity with the provisions

At a Court of the Fouzdaree Adalut

Present

Monday 6th October 1834. John Baird Esqre acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre acting Judge,

Read letter, dated the 22d Ultimo, from the Late Officiating Judge Late on Circuit in the Northern Division, transmitting the record in Case No. 98. of the Nellore Calendar 2d Sessions of 1833.

(Here enter No. 1366)

Mr. Baird & Mr. Oakes

The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoners-

1st Dhoolepaulla Boorriah

2d Langa Lomadoo

4th Gudda Andevegaudoo,

5th Pantehundla Andevegaudoo,

6th Allandy Aladoo

7th Talawy Enkadoo

& 8th do Venkatasvegaudoo

is sufficient to convict them of the crime of Gang Robbery, &c, under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict them thereof, and in conformity with the provisions

provisions of Clauses third and Fifth Section IV.to Regulation XV. of 1863. Sentence the Prisoners

1st Cholepanilla Borriah

7th Salany Unkaden

8th 9th Venkatasoryandon

of whom the 1st was the Ringleader, and the 7th and 8th were village Watchmen, to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of three years.

The Court further resolve upon consideration of the circumstances of the case to remit the punishment to which the remaining Prisoners are liable and accordingly direct that they be set at Liberty.

(Sent following letter No. 1094)

Read return dated the 19th September 1836 to Precept of this Court of the 30th Ultimo requiring the Provincial Court of Circuit in communication with the Acting Criminal Judge of Canara to report their opinion as to the feasibility of the propositions suggested by the Zillah Surgeon with a views to render the prisoners in the Jail at Mangalore more healthy.

(Here enter No. 1377.)

The principal alteration which the Zillah

Zillah Surgeon recommended as likely to further the object in views, as specified in the proceedings that accompanied the above Precept was, that the prisoners should be "permitted to return to "the Jail for an hour in the course of the morning "after working about four hours (say at 10 O'Clock) "and partake of a moderately hot meal."

From the above Return it appears

2. that the Acting Criminal Judge considers this arrangement practicable to a certain extent; provided the prisoners who had to go any distance be required to take their food ready cooked and have it heated at the working place.

3 With respect to the new well which the Zilla Surgeon suggested should be sunk, as he suspected the water used in the Jail was not of the best quality, the Acting Criminal Judge states his readiness to employ the prisoners in the work whenever the Zillah Surgeon may point out the propriety of the well being made It would have been satisfactory if as intended by the Court of Foujdaree Udalut, the Acting Criminal Judge had consulted on this point with the Zillah Surgeon & reported the result. The Acting Criminal Judge expresses his opinion, as adverse to the suggestion that the prisoners should be allowed to cook their own

own meals "as the Sailors has been instructed to be
"always present when their meals are served out to
them."

The Provincial Court of Circuit conclude
their return with the following paragraph
"The Gallah Surgeon in his observations states, that
"there has been no increased degree of sickness in
"the Jail compared with former seasons & ascribes
"the sickness & mortality that does prevail to
"the influence of the Climate of the station &
"generally, which must produce a corresponding
"effect upon the population at large as upon the
"inmates of the Jail, and the Provincial Court of
"Circuit are very doubtful whether the suggestions
"offered by that officer are calculated to remedy
"the evil a degree of relaxation and comfort seems
"to be contemplated by him to which the prisoners
"are for the most part strangers when free
"from restraint and engaged in their customary
"occupations."

Taking all the above circumstances into
consideration the Court are of opinion, that no alteration
in the management of the prisoners in the Jail
at Mangalore appear to be at present required in addition
to those before noticed.

Ordered that extract of these proceedings
be sent to the Provincial Court of Circuit on the Western Division
for their information & for communication to the Acting Criminal Judge
of Canara.

(Sent in No. 1095)

F.H.

Wednesday 8th October, 1834.

At a Court of the Sessions Adalut
Present,
John Bird Esqr. Acting 1st Puisne Judge,
Thomas Alex.r Oakes Esqr. Acting 2nd Puisne Judge,
Alex.r Duncan Campbell Esqr. Acting Judge,

Read again letter dated the 16th July
last, from the Acting 2nd Judge on Circuit in the Centre
Division, transmitting the record in Case No. 65 of the
Cuddalore Calendar 2nd Sessions of 1833.
(Here enter F.H. No. 955 of 1834.)

Read also return dated the 25th
Ultimo from the Acting 2nd Judge late on Circuit
in the Centre Division, to precept of Sessions
Adalut dated 4th August last, returning the
Record of the Case No. 65 Cuddalore Calendar
2nd Sessions of 1833 for further evidence.
(Here enter No. 1395.)

Mr. Bird.
and
Mr. Campbell.

The Court of Sessions Adalut, having
maturely considered the proceedings held before the
Judge on Circuit, the Futwa of the Provincial
Law Officer, and the Futwa of the Cazee and Cooja
and Mooftee of the Sessions Adalut, are of opi-
nion that the Prisoner,
"Appoo Moodelly"
is not convicted on presumptive proof, or on the
evidence of credible witnesses, or on his own
confession, notwithstanding the Futwa of the
Law Officers, and do accordingly acquit him; but
being of opinion that strong suspicion, though
not amounting to conviction attaches to him,
they direct under clause sixth, Section II Regu-
lation XV of 1803, that he be required to find two
sureties

8th October 1834.

sureties in 50 Rupees each surety for his good behaviour and appearance when required within 3 years or that in default thereof he be retained for 3 years in confinement.

/Sentence S.W.D./

The Court are of opinion from an attentive consideration of the record of the above case that the evidence on the part of the Prosecution is not sufficiently satisfactory to warrant a demand of security from the 2nd Prisoner Chella Mastio and they accordingly direct that in the event of his not having yet, by producing the security required by the Circuit Court, obtained his release he be set unconditionally at liberty, and that if such security has been entered into, the bond be cancelled.

Ordered, that an extract from these proceedings be sent to the Acting 2nd Judge Tuticorin on Circuit in the Centre Division for his information and guidance by precept, returnable on the 2nd

/Sent following Precept S.W.D./

Read letter, dated the 19th Ultimo from the Acting 2nd Judge Tuticorin on Circuit in the Centre Division, transmitting the record of Case No. 21 Shingle put Calendar 1st Sessions

/Here enter No. 1375./

Mr. Campbell

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

1st Saminegan
and
2nd Veerun

is sufficient to convict them of the crime of Open Robbery by open violence, as, under the authority with

8th October 1834.

which they are vested by clause third, Section V Regulation VIII of 1831, and clause first Section II Regulation I of 1818, convict them thereof, and in conformity with the Provisions of Clause third Section IV Regulation XV of 1803, sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of /14/ fourteen years.

/Sent in S.W.D./

Read letter, dated the 8th May last from the Acting 3rd Judge on Circuit in the Centre Division transmitting the records in Case No. Division transmitting the records in Case No. 61 of the Bellaree Calendar 1st Sessions of 1834.

/Here enter No. 1293./

Mr. Bird and Mr. Campbell

The Court of Sanjeore Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Tuticorin of the Provincial Law Officer, and the Tuticorin of the Cazeecoal Coozat and Mooftee of the Sanjeore Adalut, confirm the Tuticorin of the Cazee coil Coozat and Mooftee aforesaid, and acquitting the Prisoners

1st Venkatapah Naidoo,
2nd Mall Mulloogandoo,
3rd Gopaulgandoo,
4th Dunpanah,
5th Chakul Chennoogandoo,
6th Chinna Nulleegandoo,
7th Moodeegandoo,
8th Narrapah,
9th Rum Nagapah,
10th Poleegandoo,
11th Nurseegandoo,
12th Vengamah,

direct

direct that they be at liberty

(Sent in No 1165)

1 The Court observe that at the
there was evidence before the Criminal Court
to shew that the articles Nos 23. 31. 40. and 44 were
engraven with the names of the Grandfather
and Father of the 2nd Prosecutor, and the article
No 49 with that of the 1st Prosecutor himself
which circumstance it is natural to suppose
would render them easy of Identification by
the Acting 3rd Judge, did not put those gentlemen
which would have tended to elicit satisfactory
evidence upon the point: and even declined
to examine some of the witnesses who spoke
the particular Prisoners upon whom these
articles were found.-

2 There should also have been a
count against the Prisoners, for receiving stolen
goods knowing them to have been stolen.-

3 With reference to para 3 of Mr
Birkett's letter which accompanied the above
mentioned Trial, the Court desire that it may
be intimated to the Officiating Criminal Judge
that the female Prisoner Vengammah, was
not to have been committed, as she acted under
the influence of her husband.-

4 It appears also necessary to
call to the Presiding Judge that the "filing" and
"verifying" by the 1st witness of the evidence
of the 1st witness before the Criminal Court
do not render that evidence valid. The attention
of the Acting 3rd Judge is called to the Circular
order

order No. 3 of 1834, in which the rules regarding
the admissibility of the evidence of absent witnesses
are clearly defined.

Ordered, that extract from these
proceedings be sent to the Acting 3rd Judge on Circuit
in the Centre Division for his information and future
guidance by Receipt returnable without delay.-

(Sent following Receipt No. 1165)

Read report submitted by the 2nd
Judge late on Circuit in the Western Division as
required by Section XXXVII Regulation VII of 1802
of the 2nd Circuit for the year 1833.-

(Here enter No. 1358)

1 It appears from the second para
of his Report that of the cases brought before
the 2nd Judge during the Circuit, for which the
present Report is prepared, none required par-
ticular notice.-

2 The 2nd Judge asserts in para 4 to
the great increase of Gang Robbery both in Malabar
and Canara and the plan he takes in para 5 that
the remedy for it is to be sought in prevention.
"by unceasing enquiry regarding suspicious
"characters, and the coercion of them by demand
"of good security or the alternative of confinement"
would seem to be founded on correct principles.
In connection with this observation of the 2nd
Judge there can be little doubt that a free and
cordial co-operation between the European
Officers in the Districts, and the respectable Natives
would be effectually instrumental to the attain-
ment of this very important object.-

General

Section XLIX

an European Officer, together with one of the Asia-
tant to the Magistrate should be stationed at
Iroy, with the view of giving the Talooks
of Soondah and Coopah the benefit of per-
sonal European protection and superintendence
merits consideration, the Court know not
whether the nature of the climate renders
this open to any objection.

Taking the subject of para 12
into consideration, the Court of Sanjdaree
Adalut are of opinion, that unless in the par-
ticular instance the Magistrate has the sanction
of the Right Honorable the Governor in Council
authorized to issue the Circular Order in
question; (which to the 2nd Judge appears op-
posed to a provision in Regulation XI. 1816,)
for all persons of respectable character residing
to retain their arms, to wait upon him to have
them numbered, registered and sealed, and declaring
that all which are not so registered, should be
seized.

6 The subject of the jails, of which
the 2nd Judge treats in para 13. has been lately
under the consideration of the Court. With reference
however to the remark of the 1st Judge that at
Calicut the load is only 50 pounds, while at
Mangalore it is 70. or rather less than that
fixed for a Maistar Coolly, and at Honore from
73 to 78. In stone cutting also there is a great
difference at Calicut the Prisoners work 10
hours, Mangalore 9½ and Honore but 8. The
Court are of opinion that the weight of the load

shoul

Court have been desired
signed respecting the encouragement to be given to
neighbouring Villages to assist each other on
depredators, the Court of Sanjdaree Adalut do not
consider it necessary to enter further upon the
subject, than to state that they are inclined to be of
opinion that the proposition of the 2nd Judge
contained in para 18 of his Report is not of a
nature to be recommended for general adoption.

III With reference to para 4 of the
Report the Court are desired to believe that
estimate of the number of persons to have
engaged in the various cases to which the 2nd
Judge alludes has been drawn upon very vague
data, and to speak accurately, are to be mis-
instructed.

5 In addition to para 10 of the
of Sanjdaree Adalut would observe, that it is
unquestionably highly desirable that a Magis-
and his subordinates should make frequent
tours of duty - the presumption being, that the
presence from time to time would certainly
tend to check the progress of crime. the resi-
of the European Officers should be regulated
with reference to stations and resided pub-
advantage: and this of most importance
the people that their stations should be fixed
in the particular parts of the districts in
which the greatest number of crimes are
hibited.

6 The proposition of the 2nd Judge
in para 8. that a detachment of sepoys

that to be regulated by the Local authorities with reference to the jail rules in respect to the hours the Prisoners should be worked, the regulation of their diet, and their clothing, the arrangements generally are already provided by the Jail rules and the Circular orders of this Court, the omission of which great propriety, left to the discretion of the officer in charge of each Jail, supported by the opinion of the Zilla Surgeon.

9 The custom of decorating the convicts condemned to death might, with advantage perhaps, be discontinued, as every stone of flowers may give the execution the air of a sacrifice in the opinion of the people. It is nevertheless to be remarked, that the practice has obtained from a long period and it may be inferred — as, heretofore, it has been at the option of the Criminal Judge to oppose it, and it still exists, that it has not, from experience, been considered to have the tendency to create any injurious impressions on the feelings of the spectators, or of the inmates of the Jail from which the convicts have been taken to suffer the extreme punishment of the Law.

10 On the points referred to in the two preceding paras, it is however to be added that it is competent to the Circuit Judge, as a duty, to point out to the Officer in charge of Jail any desirable amendment, not at variance with the Jail rules or with the orders of this Court, and where any evident good is to be effected from

from a change of proceeding which it is in the power of the Officer in charge of the Jail to effect it is not an unfair presumption that he would enter fully into the views of the Judge on this circular

11 Para 14 would appear to require but slight observation here, as the Circular Order No. 2 of 1834 has done away with most of the objections to the mode of proceeding in cases of homicide to which the 2nd Judge seems to attach importance. From the date of his Report, the practical effect of the Circular Order here referred to, cannot have been ascertained, when he wrote it.

12 The Court of Tanjore Adalut decline, in any manner, to support the views taken by the 2nd Judge in para 15; and it is a matter of surprize to them that a judicial Officer of his experience should have suggested such a proposal. The remedy is to prevent the wrong of the lower tribunal in taking notice of cases above their jurisdiction, not in allowing such cases to be tried anew by the higher Court, thereby subjecting the accused to a second trial, for the same offence. The Court of Tanjore Adalut do not find that the instances of cases being unduly disposed of by the subordinate Courts are so frequent, as to render any special remedy of the sort necessary.

13 In the sentiments of the 2nd Judge expressed in paras 16 and 17 the Court of Tanjore Adalut concur, but the subject of these paras being entirely dependent on the question of the abolition

8th October 1834.

abolition of the Provincial Courts which is under consideration. the Court of Sanjaree Adalut do not deem it necessary to discuss the arguments connected with it.

14 The 2nd Judge in the concluding para of his Report explains the grounds of his detention beyond the usual period.

Ordered, that extract of these proceedings together with copy of the Report of the 2d Judge late on Circuit in the Western Division be sent to the officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Hon'ble the Governor in Council.

Sent to Govt 22.10.34. Sent in No. 1107

LHQ 1107

Ordered also, that copy of the proceedings be sent to the 2nd Judge late on Circuit in the Western Division for his information.

2nd Sent in No. 1107

J. U.

At a Court of the Faujdara Udalut.

Present,

Thursday 9th. October 1834.

John Bird Esqre. Acting 1st. Puisne Judge

Thomas Alexr. Oakes Esqre. Acting 2d. Puisne Judge

Alexr. Duncan Campbell Esqre. Acting Judge

Read letter, dated the 19th. Ultimo,

from the Acting 2d. Judge of the Provincial Court of Circuit in the Centre Division, transmitting in conformity with the Precept of the Faujdara Udalut, under date the 25th. November last, an English translation of the Proceedings in Case No. 2 on the Cumbum Calendar, for the 2d. Sessions of 1833.

(Here enter No. 1374 of 1834.)

After an attentive consideration of the Record of the above case, the Court observe;— that the 1st. Prisoner, Gungereddy Ayanah made no confession, that it was not proved upon the trial that the two Cloths which were found in his house belonged to the Prosecutor,— and that the evidence of the 1st. Witness for the Prosecution, is most unsatisfactory, if not incredible.—

With

2 With regard to the 9th Prisoner Rotteba Pedda Shyeedo, and 10th Toorka Cassim, the Court observe that against them there is nothing more than their mere verbal confessions, for the property taken from them is of a nature, which could not possibly be identified. It appears to the Court, that the evidence against the 1st, 9th and 10th Prisoners, is quite insufficient for their conviction, and they accordingly direct that they be immediately and unconditionally released.—

3 There do not appear to be sufficient grounds for disturbing the sentence passed by the late acting First Judge on Circuit, against the 2d, 5th, 6th, 7th and 8th Prisoners, whose confessions are proved, and regarding whom it is further established, that they gave up money which they confessed was obtained at the Robbery.— The Court accordingly direct that that sentence be carried into execution.—

4 It is clear that the 3d and 4th Prisoners were not present at the Robbery, but in the opinion of the Court, the evidence for the prosecution is fully sufficient to convict them

them of having been accessories after the fact. In consideration however of their having been already nearly two years in confinement, the Court direct that they be imprisoned and kept to hard labour in irons on the public roads or other public works, for the further period of 3 years, and that they then be released.—

5. In conclusion, the Court deem it necessary to express their dissatisfaction at the great delay which has occurred in the preparation & transmission of the Record of the case under consideration, and resolve to call upon the Acting 2d Judge to ascertain and report its cause. A period of 9 Months, has elapsed between the transmission of the Record and the Return of the Acting 2d Judge dated the 16th December, to this Court's Precept of the 25th November 1833.—

Ordered, that Extract from these proceedings be sent to the Acting 2d Judge of the Provincial Court of Circuit in the Centre Division for his information and guidance by Precept returnable without delay.—

(Sent following Precept No. 1112)

Read.

Read letter, dated the 27th Ultimo, from the Officiating 2d Judge of the Court of Circuit in the Western Division, forwarding an Additional Calendar for the 2d Quarterly Sessions of 1834—

(Here enter No. 1405)

1 Under the circumstances represented in the above Calendar in case No. 3, from which it may be inferred, that the fracturing the Prosecutor's arm was a greater injury than was intended. The Court of Foujdaree Adalut consider, that the sentence of the Officiating 2d Judge of 5 years imprisonment and hard labor is too severe; and they accordingly resolve to suggest to him the propriety of reducing the term of imprisonment to two years.

2 If upon further consideration the Officiating 2d Judge is of opinion that the sentence ought to be accordingly modified, he is authorized to pass his order to that effect; but if he views imprisonment for two years as an insufficient punishment for the offence of which the prisoner has

has been convicted, he will be pleased to refer the trial for the consideration and final Judgment of the Court of Foujdaree Adalut.

Ordered, that Extract of these proceedings be sent to the Officiating 2d Judge of the Court of Circuit in the Western Division for his information and guidance by Precept returnable within 5 days after its receipt—

(Sent following Precept No. 113)

Read again Report submitted by the acting 2d Judge on Circuit in the Centre Division under date the 21st July 1834 as required by Section XXXVII Regulation VII 1802 for the Chittoor 4th Quarter Sessions of 1833 & 2d Sessions of 1833 at Chingleput and Cuddalore—

(Here enter No. 987)

From the Calendars of the trials at the different Sessions for which the Report before

1 the Court of Foujdaree Adalut is prepared, it appears that at the 4th Quarter Sessions of 1833 at Chittoor, out of 303 prisoners stated to have been concerned in the 58 cases brought before the Court of Circuit, the actual number of individuals tried was only 165. the remainder .138. being a repetition of the same prisoners, from their having

having been concerned in several distinct cases.

2. The same is observable with respect to the Calendars of trials at the second Sessions of 1833. at Chingleput & Cuddalore. In the former the Calendar shews 26 cases with 164 prisoners whereas 7 of these prisoners are entered more than once, because they were concerned in more than one case. In the latter the Calendar shews 74 cases with 326 prisoners. 106 of whom are entered, merely because they were concerned in more than one case.

3. The Columns of the Calendars in the Report should give the detail of only the actual Number of prisoners tried, deducting persons repeatedly entered in more "cases than one". Where this rule is not observed, the Column of prisoners punished may shew, as in the instance of the present Chittoor Calendar, a greater Number than the previous Column notifies as having been tried.

4. It does not appear that any of the cases brought before the acting 2d Judge requires to be commented upon, except 3 cases in the Chingleput and two in the Cuddalore Calendar. These being referrible cases the acting 2d Judge has merely noticed them in consequence of the circumstances

of aggravation with which they were accompanied — without dwelling upon them in his Report.

5. In para 13, the acting 2d Judge states that he was much struck in the Jail at Chingleput "with the extreme youth of Sadaseven the 3d prisoner "in Case No. 1. of the Chingleput Calendar for the 1st Session "1833 who is no more than 9 years of age, and who "has been sentenced by the Foujdaree Adalut to 7 years "imprisonment with hard labor in irons and to "receive 180 lashes at the expiration of the time".

Connected with the subject of this Para, is the explanation of the delay in submitting the present Report to the Right Honorable the Governor in Council, for the Court immediately upon receipt of it, proceeded to ascertain if possible the correct age of the prisoner Sadaseven, which was entered in the records of the trial at not less than 12. The Criminal Judge when called upon to state the grounds upon which the prisoner had been entered in the records of the proceedings of the Criminal Court as 12, replied, that the prisoners age having been thus specified in the Police proceedings, he had considered it right to repeat it. On being brought before the Criminal Judge a second time

with

having been concerned, in several distinct cases.

2 The same is observable with respect to the Calendars of trials at the second Sessions of 1833. at Chingleput & Cuddalore - In the former the Calendar shews 26 cases with 164 prisoners whereas 7 of these prisoners are entered more than once, because they were concerned in more than one case - In the latter the Calendar shews 74 cases with 326 prisoners - 106 of whom are entered, merely because they were concerned in more than one case -

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with a view of ascertaining his age the prisnor stated that he was ignorant of it — and the acting 2d Judge in return to the Precept requiring him to desire the Criminal Judge to report without delay the age of the prisnor, stated that Sadaseven who had been again directed to appear before him (the acting 2d Judge) was in his opinion "little more than 10 years old".

7. The Criminal Judge has likewise stated that the prisoner seemed to him, when committed for trial to be a little more than 10 and at the date of his last return — the 23d September 1834. that he thought him to be between 12 & 13 from his size & appearance.

8. The Report of his demeanor during the time he has been in Gaol is satisfactory, and the Court of Foujdaree Adalut have been given to understand that his paternal Uncle Moottia chetty will take charge of the prisoner Sadaseven if he is released.

9. The Judges who passed sentence upon the prisoner Sadaseven, having gone to under an impression that he was of a maturer age at the period he was convicted of Gang Robbery; than he is now represented to be, the Court resolve to submit to

to the consideration of the Right Honorable the Governor in Council their request, that he will be pleased, under all the circumstances of the case, to grant a pardon to the said prisoner Sadaseven & sanction his immediate release.

10. The acting 2d Judge in para 14. recommends, as the Treadmill at Chingleput appears to him to answer extremely well, "that more be erected in the largest Jails in the Centre Division without loss of time". a proposal to this effect being before the Right Honorable the Governor in Council, the Court of Foujdaree Adalut will not here advert to it further.

11. The Court of Foujdaree Adalut concur with the acting 2d Judge in his opinion of the propriety of the fetters of the prisoners, especially when employed at the Treadmill, being made of links instead of Bars, and he will instruct the Criminal Judge to cause the required alteration to be made.

12. It is particularly satisfactory to the Court to observe from para 16 the efficiency of the police in the Districts of Chingleput & Cuddalore, and it redounds much to the credit of the Magistrates, of those Districts, that notwithstanding the season was

adverse

adverse their Police succeeded in "apprehending
"nearly all the parties concerned in the different
"Gang Robberies and in forwarding clear evidence
"in almost every case."—

13. The Court conclude that the acting
2d Judge has brought to the notice of the Magistrate
of Chingleput & Cuddalore the irregularity of the proceedings
in the several cases which he alludes to in para 18, as
having observed in the Petty Calendars from the Heads
of Police, and the Court trust that this will be sufficient
"to prevent in future the repetition of the same error"—

14. With reference to para 19 in which
the Acting 2d Judge states, that two persons who
had been previously tried and released by the
Criminal Judge for want of sufficient evidence
against them were committed to Jail by the Magistrate
of Chingleput under Clause 1st Section III Regulation II.
1822 and Clause 1st Section VIII Regulation VI. 1827. on no
other grounds than that of their Taloor confessions, the
Court resolve to direct the acting 2d Judge to furnish the
Magistrate with copy of para 19 of his Report, and to
call upon him for a full explanation of the grounds
upon which he sent to Jail the two persons Vejayen &
Canden under the circumstances reported of their previous
acquittal

acquittal and discharge by the Superior Court—

15 The state of the Jails at Chingleput
and Cuddalore noticed so favorably by the acting
2d Judge, in para 20, is very creditable to the
Criminal Judge Mr. Horsley, and Mr. Morehead
the acting Joint Criminal Judge at the latter
Station—

16 The Right Honorable the Governor
in Council having directed, that all prisoners under
sentence or held to security should be vaccinated,
the Court do not feel themselves called upon to record
any observation on para 21 of the acting 2d Judges
Report—

17. In the 24th para the acting 2d Judge
adverting to the list furnished by the Magistrate
of Chingleput of the Heads of Police employed in
7 Talooks, and which shows that they have been
frequently changed, adds, that he considers such a
frequent removal of that class of servants calculated
to weaken the efficiency of the Police. The Court of
Foujdaree Adalut coincide with the acting 2d Judge in
this opinion, & consider that these frequent removals
are worthy of notice by Government. In the present
instance however, there would appear to have been an exception
to

to the general principle in Chingleput, as the acting 2d Judge has recorded in the 16th para" his approbation of the efficient state in which, from the result of their exertions, the Police in the District of Chingleput evidently were at the period he held the Sessions.—

Ordered that Extract of these proceedings with copy of the Report of the acting 2d Judge on Circuit in the Centre Division be sent to the Officiating Secretary to Government in the Judicial Department for the purpose of being laid before the Right Honorable the Governor in Council.— (Sent in No 1114)

Sent to Govt No 193.

Ordered also, that Extract of these Proceedings be sent to the acting 2d Judge on Circuit in the Centre Division for his information & guidance and for communication to the Magistrates of South Arcot and of Chingleput — & to the Criminal Judge of Chingleput and the late acting Joint Criminal Judge of the Court at Cuddalore, of such parts as concern them respectively by Precept, returnable within 20 days after date of receipt.— (Sent following Precept No 1115)

9th

At a Court of the Foujdaree Udalut.

Present,

Friday 10th October 1834. John Bird Esqre acting 1st Puisne Judge,

Thomas Alexr Oakes Esqre acting 2d Puisne Judge,

Alexr Duncan Campbell Esqre acting Judge,

Read letter, dated the 19th Ultimo, from the Late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the record in Case No 27 on the Nellore Calendar 2d Sessions of 1833.—

(Here enter No 1376.)

The Court of Foujdaree Udalut,

Mr Bird
Mr Campbell

having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee, Mol: Cozat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee Mol: Cozat and Mooftees aforesaid, and accordingly acquitting the Prisoners.—

3d Ammalapauty Ramoo
6th Ponegala Veeradoo
7th Sadah Syegandoo

direct that they be set at Liberty.—

The Court further convict the Prisoners.— 5th

1st Parcedatty Venkadoo

2d Cappoloo Veeradoo

4th Croppurty Narsegandoo

5th Mootatapanty Veeradoo

9th Manda Comadoo

&

10th Cuncherla Veeradoo

but taking into consideration the circumstances, under which the offence was committed, and the confinement already undergone by the Prisoners, they resolve to remit the punishment, and accordingly direct that they also be set at Liberty.

(Sent following letter No. 1118)

Read letter, dated the 20th Ultimo, from the late Officiating Judge late on Circuit in the Northern Division, now at Chittoor, transmitting the records in Case No. 64 on the Sessions Calendar, 1st Sessions of 1834.

(Here enter No. 1382)

Mr. Bird.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee-ool-Cozat and Mooftees of the Foujdaree Udalut, confirm such part of the said Futwa of the Cazee-ool-Cozat and Mooftees aforesaid, as acquits the Prisoner

5th Kunnara Condoogandoo

and

accordingly direct that he be set at Liberty.

But being of opinion that the proof against the Prisoners

7th Chajerla Nauregandoo

&

8th Collacaumy Gungadoo

is sufficient to convict them of the crime of Highway Robbery, the Court do under the authority with which they are vested by Clause third, Section V Regulation VIII of 1831 and Clause first, Section II Regulation I of 1818 convict them thereof and in conformity with the provisions of Clauses third and fifth Section IV Regulation XV of 1883, sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of Six (6) years.

(Sent following letter No. 1119)

Read letter, dated 19th July last from the Acting 3d Judge on Circuit in the Centre Division, submitting the Records in Case No. 1 of the Cuddapah Calendar 2d Sessions of 1834.

(Here enter No. 1398)

Mr. Bird

Mr. Campbell.

The Court of Foujdaree Udalut, having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the

10th October 1834.

the Cazee-ool Cozat and Mosftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee-ool Cozat and Mosftees aforesaid, and acquitting the Prisoners-

1st Chentugaudla Verrogaudoo
2d do Wobeegaudoo
3d Alwareegaudoo
4th Sunkapully Yerrogaudoo
5th Uppeegaudla Rodooreegaudoo
6th do Kristnadoo
7th Giddagaula Pedda Wobegaudoo
8th do Chinna Wobeegaudoo

dired that they be set at Liberty-

The Court deem it necessary to observe, that the acting 3d Judge improperly omitted to call for the depositions, which seem to have been in the first instance given before the Auncen, and for the original complaints made by the Prosecutrix to the Villagers, or, for evidence that she to them denounced the Prisoners - He also failed to institute any examination of the Grounds upon which the prisoners were at first apprehended - It is alleged that they were denounced at once by the Prosecutrix and the 1st Witness; and it is obvious to remark, that this was a most important fact, and one, the truth, or otherwise of which it was the duty of the Circuit Judge by inquiry to ascertain -

Ordered, that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information

(Sent following Letter No. 1120) -

F. W

At a Court of the Foujdaree Udalut.

Present,

Monday 13th October 1834. John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge.

Read letter, dated the 25th August 1834, from the Provincial Court of Circuit in the Northern Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X of 1816 for the month of June 1834 -

(Here enter No. 1250)

By the table entered in the Margin wherein the red Ink denotes the cases disposed of and the Number of prisoners concerned in those cases, the state of the Criminal business before the Court of Nellore is shewn to be satisfactory - There were only two cases including 7 prisoners remaining undisposed of at the close of June -

Nellore

	Criminal Judge		Assistant Judge Aumeen	
	Cases	Persons	Cases	Persons
In Supl. Report	4	5		
In Report V.	35	41	1	2
	18	8	26	

2-7

Number of Prisoners in Gaol at date	number Sick.	Proportion.
462	53	8 33/53.

Report V
Cases 171 & 192
para 2 & 5 of Pros. Courts Proceedings.

The Court of Foujdaree Udalut approve of the observations recorded by the Provincial Court of Circuit upon the cases noted in the margin - They deem it proper however to require that the Magistrate be

be called upon to explain what notice he may take of the conduct of the Head of Police, who in transmitting these cases to the Criminal Court exhibited great incompetency to perform the duties that devolve upon him.—

Prov. L. Court Proceedings Vol. 3 para 3. Case 172.

The Court of Foujdaree Adalut are of opinion that the sentence of "Labor without irons" should not be disturbed, though the orders alluded to were in force on the date of the sentence passed in this case. it was upon further consideration deemed advisable to supersede them by the Circular order of the 25th June 1834.

Cases 171. 172. para 4.

There was no reason apparently for the commitment of the prisoner concerned in these two cases; under the circumstances detailed in the Report it would seem that the prisoner having admitted the Burglary in the first case has been sentenced correctly. The Prosecutor in the second appears to have been one of the party who endeavoured to apprehend the prisoner & met with the wounds in the affray, and it is questionable whether a distinct charge should have been brought against him when his escape from custody was not caused by his resistance, but by the inhumane desertion of the other party, under the belief that he had been

been killed.—

5. The state of the Criminal business at Chicacole in the Court at Chicacole is in arrear, and the Provincial Court of Circuit will urge the acting Criminal Judge to use his endeavours to dispose of the cases left unexamined at the end of June. The assistant Criminal Judge has decided a suitable number of cases, but the acting Criminal Judge has decided only two, including two prisoners, and the Sudr Ameens have done nothing in the Criminal Department. in the first quarter of 1834 the Sudr Ameen decided only 23 suits on their merits and explained that the low state of the files prevented them from deciding a greater number. The Court have not yet received the Civil Reports from the Northern Division for the 2d Quarter of 1834, but they conclude that the reason of the inactivity of the Sudr Ameens in the Criminal Department will be shewn by these Reports to have arisen from their numerous decisions of Civil suits. It devolves upon the zillah Judge to make

	Criminal Judge		assistant Criminal Judge		Sudr Ameen	
	Cases	Persons	Cases	Persons	Cases	Persons
In Sept. Dept.	19	17				
			19	13		
In Depot.	16	43				
	2	2	3	16		

2.4.

11.25.

Number of Prisoners in Col. 4 of Statement.	Number sick	Proportion
148	18	8 2/9

make their services available in both, particularly in the Criminal Department, when the files of suits are low.

6 as there are more than 1/7 of the prisoners entered in Col. 4 of the statement of their labor, sick at Chicacole, the acting Criminal Judge will without delay communicate with the Zillah Surgeon as to the best means of rendering the Jail more healthy, and report the result to this Court.

Para 12. 7. The Court coincide in the views of the observations of the Provincial Court of Circuit contained in this para, but the subject requires consideration. It is to be supposed that each Magistrate takes the best means in his power to prevent the detention of prisoners in the Talook. The evil however is one of great magnitude, and as observed by the Provincial Court when Batta Peons are employed there is an object in delaying the transmission of the Prisoners, & where Peons are charged with the duty, who belong to the establishment, they have no object to induce them to proceed rapidly. To meet the former case it might be arranged that the batta should not be paid per diem but according to the distance by tables to be framed by

by the Magistrate allowing so many annas from each Talook according to its distance from the Court, and the number of days which ought to be occupied in the journey.

8. Case 97. para 19.

	Sessions Judge		Circuit Judges	
	Cases	Prisoners	Cases	Prisoners
In Sept. Report	6	34		
	6	34		
In Report V	32	77		
	27	76		

C. A 5th I. Annexe

The Court of Zujdaree Adalut authorize the mitigation of the Sentence passed on the 1st prisoner in this case to the extent proposed by the Provincial Court of Circuit, who will issue orders accordingly.

The Court of Zujdaree Adalut

Masulipatam 9 Report V Case 71. para. 27. sanction the proceeding proposed to be adopted respecting this case, & the Provincial Court will issue the requisite orders.

Masulipatam. 10 Report V Case 74. para 30. Of Court's proceedings. The Court concur in the opinion expressed by the Provincial Court of Circuit respecting this case, and if upon explanation it appears that the 1st prisoner has been committed without any specific charge being made against him, the proceedings of the lower Court must be reversed and the prisoner remitted to the Magistrate who is competent, if he sees ground, to hold him to security, or otherwise to release him.

Case 77. para. 32. 11 The portion of the sentence involving imprisonment

imprisonment "in irons" appears to have been imposed under Circular order 16th October 1833, and that order having been rescinded, the Provincial Court of Circuit will direct the sentence to be revised accordingly.

Case 90 para 38

12. The Provincial Court of Circuit will report for the information of this Court any further proceedings that may take place respecting this case.

Supt. Report Case 70 para 45.

13. The Circular order alluded to by the Provincial Court of Circuit having been superseded as before observed by Circular order 28th June 1834, no further remark in this case appears necessary.

Number of Prisoners on Col. No. of Statement. | Number Sick. | Proportion.
491 | 2 | 245½

14. The Court in concluding their review of the Masulipatam Reports, record with satisfaction that the Statement shews only 2 out of 491 prisoners to have been sick on the last day of June.

15. The disposal of the Criminal business by the Acting Joint Criminal Judge during the Month to the extent of 33 cases involving 110 prisoners is creditable to him; he has not however made use of the services of the Sudr Ameen in this department, and the Court would suggest in future the

the reference to him of a few of such cases as are within the proper limits assigned to Sudr Ameens, as it would leave more of the Acting Joint Criminal Judge's time available for the decision of Civil suits.

The Court think that the Native Criminal Judge should have decided more cases than he has during the Month;

Vizagapatam 16.

	Native Judge.		Sudr Ameens		
	Cases	Persons	Cases	Persons	
Supt. Report	8	32			
	3	13	2	2	3. 12.
Report V	13	35.			Remd.
	10	24	4	6	4. 5.

There are some cases remaining in the Report No. V for the delay in the disposal of which there is apparently no reason.

Report V Case 60.

17. The Court of Foujdaree Adalut concurring in opinion with the Provincial Court of Circuit, direct that the first Prisoner in this case be released if in confinement or the Bail bond, if one has been entered into, discharged.

Case 62 para 48.

18 The circumstances of this case would, as observed by the Provincial Court, have justified a severer sentence, than has been passed by the Native Judge, but the Court will not deprive the prisoners, in the present instance, of the benefit

benefit of the Native Judges error, which should be pointed out to him.

Supt's Report Case 33. para 53.

19. With reference to the concluding sentence in para 48 of the proceedings of the Provincial Court, the Court of Sudder Adalat authorize them, if they think proper, to require the Native Criminal Judge to furnish them with copies of the original Reports

Number of Prisoners in Col: 4 of Statement | Number sick | Not present

124 — 3 — 41

Case 57 para 59.

20. The 2d Prisoner in this case could not have been convicted or sentenced during her absence.

21. The Court observe that these were only 3 out of the 124 prisoners entered in Column 4 of the Statement of the Nature of Jails at the close of June.

22. This was clearly a committable case, and ought not to have been disposed of by the acting Criminal Judge.

	Acting Criml Judge		Assist to Criml Judge		Ld Admr
	Cases	Prisoners	Cases	Prisoners	Cases
In Supt's Report	3	7			C.P. 1-1 (Admr)
In Report V	24	60			7-37 (Exd)

Rajahmundry Report Vol Case 83 para 84

Cases 74-75-76 para. 68

23. The Provincial Court of Circuit will transmit to this Court the explanation of the acting Criminal Judge respecting these cases.

Supt's Report Case 56 para. 73

24. In the case noted in the Margin the acting Criminal Judge fined two of the Witnesses for

for prevarication, each fifteen Rupees, or in default to be imprisoned four Months. The illegality of this sentence appears unfortunately to have escaped the attention of the Provincial Court of Circuit, and these two persons have thus been subjected very probably to an imprisonment of 3 Months beyond the period allowed in such cases by Section VII. Regulation XIII 1832. The Court trust however that the fine was paid and that the prisoners have not afforded an instance of the execution of such an illegal sentence. The illegality of the sentence renders it necessary to direct that the fines, if paid, be returned to the Parties — and the same should be done with respect to the fine imposed on the Prosecutrix, if the Provincial Court of Circuit after the explanation is given are of opinion that no injustice has been committed in the imposition of cause if either of the parties are in Jail on the receipt of these orders, they should be released forthwith.

25. The Court rely upon the Provincial Court of Circuit to make a point in future of transmitting the

the Criminal Reports within one month after that for which they are prepared, as their detention beyond that time obviously defeats the ends of justice.-

Number of Prisoners in Col. 4 of Statement | Number Sick | Proportion
282 — 32 — 3 1/2

26 The Court regret that so large a proportion as nearly 1/8 of the prisoners included in Column 4 of the Statement of the Labor were sick at the end of June - The subject however has been fully entered upon in separate proceedings of this Court and any further remark on that account appears unnecessary in this place.-

27 The Court of Zoujdaree Adaulut are of opinion that more cases should have been referred to the Sudr Ameen of whose services in the Criminal Department the Joint Criminal Judge should make use to such an extent as to leave time for the Joint Criminal Judge to fulfil the expectations of the Court of Sudr Adaulut as to the disposal of 10 Civil suits per Mensem - The Provincial Court of Circuit will accordingly direct the attention of

	Joint Criminal Judge		Sudr Ameen		
	Cases	Persons	Cases	Persons	
In Supl. Report	9	24			C.P.
	9	23			1-1
In Report V	19	44			6-28 cancelled
	10	14	3	9	

of the Joint Criminal Judge to this point.-

Guntoor Prisoners with 4th Statement — Sick — Proportion
382 — 12 — 25 9/19

28 The Court are pleased to see that so small a proportion of the prisoners at Guntoor were sick at the end of June.

Report V Case 66. para 74.

29 It appears to the Court of Zoujdaree Adaulut that this case has been correctly disposed of.

Case 70. para 77.

30 There should undoubtedly have been a distinct charge brought against the 5th prisoner in this case for "releasing a prisoner "when in his custody".-

Supl. Report Case 53. para 25.

31 The Provincial Court of Circuit will call for an explanation regarding the evidence in this case and issue the orders which may then seem proper reporting the same for the information of this Court.-

32. The Provincial Court of Circuit will require the Joint Criminal Judge to frame his statement of the labor of prisoners in the revised form prescribed by Circular order 29th August 1834.-

Para 91. 33. It is certainly expedient that measures should be taken to introduce the manufac-

of

of Paper and other useful articles into the Jails at Guntoor & Vizagapatam and the Provincial Court of Circuit will report what they would propose should be done for this purpose—

34 The present Reviews of the Criminal Statements entitles the Judges of the Provincial Court to applause for the great diligence and care they have evinced in this duty - But to enter into so minute a revision of nearly every case would occupy time, which might be more usefully employed on more important duties—It is the more important and serious errors that require to be corrected, not those of minor consequence—

Ordered that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance & for communication to the subordinate authorities of such parts as concern them by Precept returnable without delay—

(Sent following Precept No. 1125)

Read again Petition presented by Poolapa Moodely of Coimbatore—

(Here enter Mis: Pet: No. 46 of 1834)

Read also Return dated the 24th Ultimo

Ultimo from the Provincial Court of Circuit in the Southern Division, to Precept of the Foujdaree Adalut under date the 16th August 1834 directing them to institute an inquiry into the representations made in the above Petition—

(Here enter No. 1392 of 1834)

Accompanying the above Return are communications from the Magistrate, the acting Joint Criminal Judge, and the Assistant Judge of Coimbatore and various other official Documents from a consideration of which the Court have every reason to believe that the complaints of the Petitioner are groundless—

Ordered therefore that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner upon his application—

Read Petition presented by Iyahsawmy Moodely—

(Here enter Mis: Pet: No. 59 of 1834)

The Petitioner represents that his elder brother Appoo Moodely has been tried in a false and malicious charge of Gang Robbery, by the Court of Circuit, and that the case, (No. 65. on the Cuddalore Calendar, for the 2d Sessions of 1833) is under reference to this Court—

&c

13th October 1834.

He prays the Court to issue orders for the Prisoners release—

The Petitioner is informed that orders have been issued for the release of the Prisoner upon Moodely on his finding Security for his future good conduct for 3 years, in two sureties of 50 Rupees each—

Ordered that Extract from these proceedings be furnished to the Petitioner upon his application—

Read Petition presented by Mooneyappa Moodely and 6 others of the Gille of Chittoor—

(Here enter M: P: No. 79 of 1834)

The prayer of the above Petition is merely a reiteration of that contained in Mis: Petition No. 61 of 1834 presented by the same Parties viz. that the Court will order the remission of a fine imposed on the Petitioners by the Joint Magistrate of North Arcot—

Nothing advanced in the above Petition appearing to the Court of sufficient weight to form any valid objection to their orders of the 23d June & 15th September last the Petitioners are referred to the said orders & the prayer of the Petition is accordingly rejected—

Ordered

13th October 1834.

Ordered that Extract of these Proceedings be furnished to the Petitioners upon their application—

Read Petition presented by Maudasamy Naudan of Tinnevelly—

(Here enter Mis: Pet: No. 81 of 1834)

The object of this Petition is to induce the Court to issue orders for the release of one Yavanoothoo Naudan prisoner in Case No. 6 Tinnevelly Calendar, for the 2d Sessions of 1834. who the Petitioner alleges has been falsely charged by a Missionary resident in that District, with having burnt down a Christian Church (of the value of 85 Rupees—)

The Petitioner is informed that the Trial in question is under reference to this Court and will be disposed of in due course—

Ordered that Extract from these proceedings be furnished to the Petitioner upon his application—

Read Petition presented by Patchyummal of Combaconum—

(Here enter Mis: Pet: No. 82 of 1834)

The Petitioner represents that her husband, Palanyandy Solagan, the 1st Prisoner in Case No. 32 on the Combaconum additional Calendar for the 1st Sessions of 1834 and some other persons, have, upon a false and malicious charge of Gang Robbery, been

Sentenced

sentenced by the Court of Circuit to imprisonment with hard labour in irons for 14 years, and that they have lately been removed to Negapatam to be employed on the public works at that place where from the climate disagreeing with them they have fallen sick -

She therefore prays the Court to issue orders for their removal from Negapatam to Trichinopoly -

The Petitioner is informed that her request is inadmissible -

Ordered therefore that the prayer of this Petition be rejected, and that Extract of from these proceedings be furnished to the Petitioner upon her application -

Read Petition presented by Vanam Coopiee Mooktyar Vakeel of Ramasamy Tuchanellom in the District of Tinnevelly -

(Here enter Mis: Pet: No 83 of 1834)

The Vakeel on behalf of his client, prays the Court to grant to him copies of the Report made by them to Government on the subject of Ramasing's petition, and of the order of Government thereon and also of the explanations offered by Messrs Drury & Hordly.

The

The Petitioner is informed that he has shown no sufficient cause to induce the Court to comply with his request -

Ordered therefore that the prayer of this Petition be rejected, and that extract from these proceedings be furnished to the Petitioner on his application -

Read Petition presented on the 29th Ultimo by Vydenada Iyen of the gillah of Madura -

(Here enter Mis: Pet: No 84 of 1834)

The Petitioner, who represents himself to be the Gomastah of Sator Ramanada Pundarum alleges that his Master has been unjustly accused and prays that he may be released from confinement -

The Petitioner is informed that the case No 13. 2d Sessions of 1834. at Madura in which Sator Ramanada Pundarum was concerned has been disposed of on mature consideration of the evidence and that the Court decline to disturb the sentence -

Ordered that the Petition be rejected & that Extract of these proceedings be furnished to the Petitioner upon his application.

Read Petition presented on the 29th September

13th October 1834.

September 1834 by C. Gowrummooty and N. Narumpa-

(Here enter M.P. No. 85. of 1834.)

The object of the above Petition being the reversal of a sentence of the Court of Foujdaree Adalut, it is rejected.

Ordered accordingly that the Petition be rejected, and that Extract of these proceedings be furnished to Petitioners upon their application.

Mooneyuppa Woodely and 6. others of the zillah of Chittoor move the Court to return the enclosure in their Miscellaneous Petition No. 79. of 1834.

F. H.

At a Court of the Foujdaree Udalut—

Present,

Tuesday 14th October, 1834. John Bird Esqr. Acting 1st Puisne Judge

Thomas Alex.r Oakes Esqr. Acting 2d Puisne Judge

Vs

L & Q

not

Alex.r Duncan Campbell Esqr. Acting Judge

Read letter, dated the 12th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division, transmitting the Records of Cases Nos. 32 and 33, on the Guntoor Calendar, for the 1st Sessions of 1834.

(Here enter F. H. No. 1345 of 1834.)

No. 32.

The Court of Foujdaree Udalut having

Mr. Bird and Mr. Oakes

maturely considered the proceedings held before the Judges on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozzat and Mooftees of the Foujdaree Udalut, confirm the said Futwa of the Cazee ool Cozzat and Mooftees aforesaid; and acquitting the Prisoners—

4th Condoor Veerador

6th Pilly Eyyaudoo

7th Pilley Venkatasayudoo

8th Buddapoody Chenchadoo

9th Madala Sashedoo

11th Cancherla Veerador

13th Gorrumady Veerador

and

15th Condamoody Seetadoo

direct that they be set at liberty—

(sent in No. 4128)

The

14th October 1834

No. 33.

Mr. Bird
and
Mr. Oakes

The Court of Foujdaree Adalut, having maturely considered the proceedings held before the Judge on Circuit, the Future of the Provincial Law Officer, and the Future of the Cazee ool Cozzat and Mosftee of the Foujdaree Adalut, confirm the said Future of the Cazee ool Cozzat and Mosftee aforesaid, and acquitting the Prisoners—

4th Condroo Verradoo
6th Pillay Syegaudoo
7th Pilly Vencatasaigaudoo
8th Buddapoody Chinchadoo
9th Madeda Lashedoo
11th Cencherla Verradoo
13th Goommady Verradoo
and
15th Condamoody Costadoo

direct that they be set at Liberty—

1 The Court observe that the Acting 2d Judge has very unnecessarily loaded these cases with the Prisoners depositions before the Police Officer, which in Case 33, are three times repeated—

2 It appears to the Court, with reference to their Circular order of the 19th January 1825, that these depositions might have been with great propriety entirely omitted, and that, as Mr. Waters has so many referred Trials to prepare he should liberally exercise that discretion which the order above alluded to, allows—

Ordered, that Extract from these Proceedings

F.Q.
14th October 1834

Proceedings be sent to the Acting 2d Judge Sale on Circuit in the Northern Division for his information—

/Sent in No. 7129/

Read return from the 1st Judge on Circuit in the Northern Division, Submitting certain documents forwarded by the Magistrate of Masulipatam in explanation of his imposition of a fine of 30 Rupees on one Peterauze Loonderamiah—

/Here enter No. 1335/

1 The Court of Foujdaree Adalut in their proceedings upon the Report of the 1st Judge on Circuit in the Northern Division stated their opinion that the fine imposed on the person above named as Renter by the Magistrate was unauthorized under Section XXIII Regulation I 1812, as they considered that Renters of Customs were not the Officers of Customs designated by Regulation I 1812 and that they could not therefore be held to come within its provisions, adding that as the Renters "are bound by the Special stipulations "in their Leases which under Section III Regulation "VII of 1829 can be enforced "without "application "to any Court of justice", the Court are of opinion "that their Servants alone are liable to penalty under "Section X Regulation V 1821—

2 Upon these proceedings the Right Honorable the Governor in Council in the Minutes of Consultation of the 5th September 1834 observed that "the "Magistrate of Masulipatam in levying a "fine from a renter of Customs under Section XXIII Regulation

Regulation I 1812 acted in conformity to the 7th Article of the Renters Code, in which it is declared that not only persons employed under the renters, but the renters themselves, are liable to the penalties described in that Section" and further, that under the Construction of the Court of Poujdarie Adalut the error consisted in imposing the fine as "Magistrate" and not as "Collector".

3 This opinion was communicated, as coincided in by the Court of Poujdarie Adalut to the 1st Judge of the Provincial Court of Circuit in the Northern Division on the 15th Ultimo.

4 The documents now before the Court referring to the same Subject Shew "that Peteranje Sondaramiah is not a Renter "holding his Cowle direct from Government, and that his lease "if he possesses one, has been given by the original renter Bayamma" The Collector States that he conceives "Section X Regulation V "1821 extends the provisions of Section XXIII Regulation I 1812 to the "full punishment of all persons employed by the renters of the "Customs, and also to all persons unduly and unauthorizedly "making Collections in the name and under the pretended "authority of the renters. Under these Specifications the Magistrate "has no doubt, that in inflicting the fine on Peteranje Sondaramiah "he was acting in strict accordance with the Regulations".

5 The Court of Poujdarie Adalut under this new representation of the circumstances of the case, have no hesitation in stating their opinion that Mr Gleig as Magistrate acted quite correctly under renters such as Peteranje Sondaramiah to all intents and purposes coming under the denomination

denomination of persons "employed by the renters".

Ordered, That Extract of these proceedings with copies of the Return of the 1st Judge and of the documents which accompanied it, be sent to the Officiating Secretary to Government in the Judicial Department, for the purpose of being laid before the Right Honorable the Governor in Council, with reference to the Minutes of Consultation of the 5th Ultimo/ Sent following Letter dtd 1130/

Sent to Govt. 9th 194.

Ordered also, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Northern Division for his information and guidance, and for communication to the Magistrate of Masulipatam.

/Sent following No. 1131/

Read letter, dated the 9th Ultimo from the Provincial Court of Circuit in the Northern Division, transmitting the Criminal Reports of the Division prescribed by Section XXXV Regulation X 1816, for the Month of July 1834.

/Gen cutr No. 1340/

Rajahmundry-

	Criminal Judge	Assistant Criminal Judge	Sudr Amen	
	Cases	Persons	Cases	Persons
In dept's R.	10	38		
In R.V	10	29		
			amen 1-40-	
			4-15 / 10-55	

* one case in last report divided into 3, makes the difference between last Report & this dept's Report.

/ With reference to the observations of the Provincial Court of Circuit contained in para 2 of their proceedings on the Case No. 83, it will be proper for them to

to call upon the Acting Criminal Judge to explain whether he has held the prisoners to security on their Pulook confessions alone, and if so to direct him to release them if in confinement, or to cancel the Bond if it has been entered into - It is not however clear to the Foujdaree Adalut that there were not other grounds of suspicion against the prisoners, and the Provincial Court of Circuit will therefore report to this Court the result of the explanation -

Case 89 2. On consideration of the Abstract of the evidence entered in the Report, the Court of Foujdaree Adalut do not see reason to doubt the correctness of the Sentence passed on the 1st prisoner. The article stolen might have been in a concealed situation of being identified -

Sup[t] Report 3 The Court of Foujdaree Adalut consider
Case 72 that the circumstances detailed in the Report justify the requisition of Security from the prisoners in this case -

Case 79 4 The Judges do not understand why the Prosecutors and witnesses, if guilty of a false and malicious complaint escaped punishment -

Number of P. in Table 4 of Statement	sick	Proportion	Proportion in June
294	47	6 12/47	8 13/15

5 The Court are concerned to observe that a larger proportion of the prisoners were sick in the Rajah = mundry Jail at the close of July than at the end of

of June: but as separate orders have been issued to the Acting Criminal Judge to use every means to check the sickness and mortality, no further remarks here appears necessary -

Vizagapatam Report Y Case 76 6 The Provincial Court of Circuit will report to this Court, after receipt of the copy of the Precept to which reference is made in para 12 of their proceedings, whether or not this case has been properly disposed of -

	Nature Judge		Saddle Ameen				
In Sept[r]	7	17					
In R Y	4	15	2	1	1	1	
	15	30					
	5	9	8	11	4/5	10/11	

Case 79 - 7 The Court of Foujdaree Adalut confirm the order of the Provincial Court of Circuit that the stripes ought not to have been inflicted in this case, in which the prisoner was convicted of an assault merely -

Sup[t] Report 8 This appears from the charge
Case 46. "for beating the Prosecutor who was sleeping in the "field with sticks and robbing him of articles of "the estimated value of 6 1/2 Rupees" to be a case of Robbery by open violence - The Provincial Court of Circuit will forward the explanation which they have required from the Native Criminal Judge in para 19 of their proceedings, together with the order they may then deem it proper to issue -

Case 56. 9. Agreeably to the recommendation of the Provincial Court of Circuit, the Court of Foujdaree Adalut direct that the 6th prisoner in

Prisoners in Column 4 of Statement — Sick — Proportion in July
130 — 6 — 26

Gunter
R. V
Cases 92-93

Sent Criminal Judge	Sick	Amount	unused
C	P	C	P	C	P
In Supl. R.	7	22			
	5	11	2	11	
In R. V	36	167			
	15	18	6	15	18	46

Cases 186-187

in these cases be released if still in confinement, or if the security in June 413. has been given and the Bond entered into, that it be cancelled.—

16

With reference to your 27 of the proceedings of the Provincial Court of Circuit upon these two cases, it would appear that the Circular Order of 21st October 1830 has been misconstrued by the Provincial Court of Circuit to mean that "it limits the period for the infliction of corporal punishment to two months from the date of the "Sentence". The object of the order in question is explained at the close of it to be that the corporal punishment should not be "inflicted until two months after the Sentence has been passed, in order that the higher Court may have time to consider the grounds upon which the Sentence is awarded" & further delay beyond the two months, would not therefore defeat the object in view, but would tend rather to further it.—

11

From the following explanation in the Report — "Moreover the charge should have been "taken and evidence examined before the prisoner "was forwarded by the Head of Police" it is to be inferred

inferred that the cases in the margin, or at least case 186 did not come to the Assistant Criminal Court in a state to be disposed of when the other charges against the prisoner were examined. The considerate conduct of the Assistant Criminal Judge in not detaining the Prosecutors and witnesses or binding them over to return until he ascertained that justice required their evidence, would, under these circumstances, appear to be praiseworthy.—

Prisoners in Column 4 of Statement — Sick — Proportion
44 — 16 — 25 16

Chicacole
Supl. Report
Case 93

12

The Assistant Criminal Judge committed a serious error in discharging the prisoner in this case, against whom it would seem there was the dying deposition of the deceased given in the presence of two persons. The Provincial Court of Circuit will point out to the Assistant Criminal Judge that evidence of this nature should be always taken, and where it alone may exist against a prisoner, he should not be released, for after the death of the deceased it becomes the best procurable testimony, and may even suffice for conviction.—

Criminal Judge	Assistant Criminal Judge	Sick	Amount	unused
C	P	C	P	C	P	C	P
In Supl. R.	13	30					1	1
	1	10	1	5				
In R. V	5	15					2	4
	2	5	1	5			1	5

Prisoners in Col. 4 of Statement — Sick — Proportion
184 — 16 — 92

Nellore
Report V
Case 207

13

The Court observe that the Circular Order 21st October 1830 to which the Provincial Court of Circuit allude in their proceedings in

pass

para 47 upon this Case, applies to cases wherein imprisonment exceeding three months, forms part of the Sentence passed.—

Case 216 14

From the Report, that the Suspicion against the 2nd and 5th prisoners was sufficiently strong in the opinion of the Assistant Criminal Judge to justify the demand of Security: He should however have stated on what grounds he demanded it, and the Provincial Court of Circuit will now call upon him to state them

Criminal Judge	Assistant Judge	Sureties amount	unsure
In Sept R	2	7	
In R V	41	73	
		5	10 5 8

Prisoners in table of statement — sick proportion
462 — 48 — 9 7/7

238 15

Adverting to para 59 of the proceedings of the Provincial Court of Circuit in the case 238, the Court of Sessions Udalut would observe that the imputation against the Criminal Judge is unmerited, as none of the cases alluded to were disposed of by the Criminal Judge himself.—

Masulipatam 16

The Provincial Court of Circuit will ascertain whether the Police confession is the only ground of Suspicion for which Security has been demanded from the first and second prisoners in this case and if so, will issue orders for their

Criminal Judge	Sureties amount	unsure
	C P	C P C P
In Sessions Report	1	
In R. V	17 39	2 6

Prisoners in Col. 4 of Statement — sick — Proportion
494 — 11 — 4 4/7

their release, or for the bond to be annulled if it has been entered into.—

The remarks of the Provincial Court in para 66 of their proceedings, seem justified by the very defective explanation given. But the Judges are of opinion that where prisoners voluntarily offer to point out property their detention for such period as may be absolutely necessary to this end is a legitimate cause for delay.—

Ordered, that Extract of these proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information and guidance and for communication to the subordinate authorities of such parts as concern them respectively by Precept returnable without delay.—

Sent following Precept No 1152 [illegible]

At a Court of the Fouzdaree Udalut—

Present,

Wednesday, 15th October 1834.— John Bird Esqre Acting 1st Puisne Judge,
Thomas Alexr Oakes Esqre Acting 2d Puisne Judge,
Alexr Duncan Campbell Esqre Acting Judge,

F.J.C.

Read Order of Government on the proceedings of the Court of Fouzdaree Udalut of the 24th Ultimo submitting, with their observations, copies of the Reports from the several Authorities in charge of Jails in the Southern Division on the subject of the revision of the Jail Establishments.—

(Here enter No. 1404.)

Ordered that copy of the first part of the above order fixing "the Jail Establishment at Madura at 25 Peons and authorizing "the Magistrate of Salem to employ a Standing "guard of a Jailers and six Peons for the convicts under "his charge at Bysoor," be furnished to the Provincial Court of Circuit in the Southern Division for the purpose of being communicated to the Zillah Judge of Madura and to the Magistrate of Salem.

(Sent in No. 1134)

Ordered also that agreeably to the instructions conveyed in the latter part of the above

above order, the following Circular Order be issued for the information & guidance of the several Officers in charge of Jails. (Sent in No. 1135)

Circular Order No. 18 of 1834.

The Court of Foujdaree Adalut with the sanction of the Right Honorable the Governor in Council deem it proper to notify with reference to their orders of 25th June 1833 on the subject of the revision of the Jail Establishments for the information and guidance of the [redacted] Authorities in charge of Jails that it is not necessary that the proportion of Peons to the number of convicts employed in labor outside the Jail should be regulated daily which would necessarily be an inconvenient proceeding but from time to time as to the Officer in charge may seem requisite with a view of preserving in close a conformity as possible with the orders of Government upon the subject"

"In the event of danger being apprehended or circumstances occurring which may in the opinion of the Officer in charge render necessary the adoption of extraordinary measures he will be justified in using his own discretion in entertaining extra Peons but must

must immediately report what steps he has taken to meet the emergency for the information of the Foujdaree Adalut.

Sent to Govt No 195. (Sent following Circular No. 1136)

Read letter dated the 12th June 1834 from the acting 3d Judge on Circuit in the Centre Division, submitting the Record of proceedings in Case No. 36 of Bellaree Calendar 1st Sessions of 1834.

(Here enter No. 1387)

Mr. Bird
&
Mr. Campbell

The Court of Foujdaree Adalut having maturely considered the proceedings held before the Judge on Circuit the Futwa of the Provincial Law-officer and the Futwa of the Cazee-ul-Cozat and Mooftees of the Foujdaree Adalut confirm such part of the said Futwa of the Cazee-ul-Cozat and Mooftees aforesaid, as acquits the Prisoners.

2d Gadum Rungadoo
5th Chenna Lingadoo
6th Gadum Venkatagadoo
7th Chenna Vlka Rumbadoo
9th do Lonkadoo
10th Golla Ramadoo

15th

15th Seenjeeva Condasse

16 " Woolee Wobasse

18th " Hamabe Cumbasse

&

20th " Dodagal Lagunnahe

and accordingly direct that as it regards this case only, they be set at liberty.-

But being of opinion that the proof against the Prisoners-

1st " Radeepevadoo

&

17th " Chakul Goorooradoo

is sufficient to convict them of the crime of Gang-Robbery by open violence, the Court do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict them thereof, and in conformity with the provisions of Clause third Section IV Regulation XV of 1803, sentence them to be imprisoned and kept to hard labour in irons on the public roads or others public works for and during the period of (14) fourteen years-

(Sent following letter No. 1137)

Differing as they do entirely with the Presiding Judge regarding the conviction of the Prisoners

15th October 1834.

Prisoners in the above case excepting the 1st " and 17th ", the Court cannot refrain from expressing the surprize with which they have perused Mr. Boileau's recommendation that a Sentence of 14 years imprisonment should be passed upon men, against whom the evidence is so unsatisfactory; for it is to be observed that though there are their Talook confessions, the proofs that they individually gave up the stolen property, is wanting, still more are the Court surprised at Mr. Boileau's proposition to sentence the 20th " Prisoner to imprisonment for a period of five years without the slightest evidence against him- all he admitted was that his Brother robbed 2 Sickles and 5 Rupees and placed them in his house & that when the Police came to inquire after his Brother, he gave up those articles- This is merely a Talook confession, and to corroborate it, there is not the slightest available evidence.-

Upon a consideration of all the circumstances the Court resolve to direct that of the 3d " 4th " 12th " 13th " and 14th " Prisoners (of whom the 3d " 12th " and 13th " are the 9th " 6th " & 7th "

in

in case No. 35) be still in confinement on a requisition of security they be now forthwith released, and that if they have already furnished security their bonds be respectively cancelled; for it appears to the Court that the evidence against these Prisoners in No. 35. is no stronger than that in the case under consideration.

The Court are further decidedly of opinion that if the evidence against the remaining prisoners in No. 35. (excepting the 1st who it appears has been fully convicted) be not more satisfactory than the evidence adduced in this case, they may with great propriety be released unconditionally, notwithstanding the Futwa of the Provincial Law Officer; and Mr. Boileau is accordingly authorized to adopt that course of proceeding.

The Court further desire that Mr. Boileau will report what he may do, in consequence of these observations.

Ordered that Extract from these Proceedings be sent to the Acting 3d Judge on Circuit in the Centre Division for his information by Precept returnable without delay.

(Sent following Precept No. 1138)

Read

Read letter dated the 24th Ultimo from the 3d Judge on Circuit in the Southern Division transmitting the Record in Case No. 13 of the Madura Calendar 2d Sessions of 1834.

(Here enter No. 1388.)

Mr. Bird & Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings, held before the Judge on Circuit the Futwa of the Provincial Law Officer and the Futwa of the Cazee, col. Cogat and Mooftees of the Foujdaree Udalut, are of opinion that the Prisoner

"Satooramanad Pundarum"

is not convicted on presumptive proof, or on the evidence of credible Witnesses or on his own confession, of the crime of Wilful Murder, notwithstanding the Futwa of their Law Officers; and do accordingly acquit him thereof; but being of opinion that the proof against him is sufficient to convict him of the crime of Culpable Homicide, they do under the authority with which they are vested by Clause First Section II Regulation I of 1818 convict him thereof, and under Clause Second of the same Section, direct their Law Officers to declare by a second Futwa to what sentence the prisoner would be liable

if

if Convicted by full legal evidence of that crime—

Answer

In the event of the crime of Culpable Homicide being established against the above mentioned Prisoner by the evidence of credible Witnesses, his Heirs are liable to a Deeyut of 10000 Dirhems, to be paid to the heirs of the deceased in three years—

In Commutation of the penalty of "Deeyut" declared in the foregoing Futwa, the Court of Foujdaree Adalut, sentence the Prisoner—

"Satoorumanad Pundarum"

to be imprisoned in the Civil Jail, without irons or labour, for and during the period of six Months, and then to be released—

(Sent following Letter No. 1139)—

At a Court of the Foujdaree Adalut—

Present,

Friday, 17th October, 1834—

John Bird Esqre. Acting 1st Puisne Judge,
Thomas Alexr. Oakes Esqre. Acting 2d Puisne Judge,
Alexr. Duncan Campbell Esqre. Acting Judge,

Read letter, dated 26th Ultimo, from the Officiating 2d Judge of the Court of Circuit in the Western Division, transmitting the record in Case No. 1. on the additional Calendar of the Auxiliary Court of Malabar 2d Quarterly Sessions of 1834—

(Here enter No. 1406)

The Court of Foujdaree Adalut,

Mr. Bird.
Mr. Campbell.

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

"Noopattakattil Ahmod"

is sufficient to convict him of the crime of Murder, do, under the authority with which they are vested by Clause First Section II Regulation I of 1818, convict him thereof; and in consideration of certain alleviating circumstances in the case, sentence him to be transported to such place, beyond sea, as the Governor in Council, shall appoint there to be imprisoned

imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

(Sent following letter No. 1149)

Read letter, dated 11th Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting copy of a Return from the Acting Joint Criminal Judge of Masulipatam with reference to Para 3 of Proceedings of Foujdaree Udalut under date the 13th August last.

(Here enter No. 1298)

Read Return, dated the 12th Ultimo, from the Provincial Court of Circuit in the Northern Division to Precept of Foujdaree Udalut dated the 30th August last, transmitting extract from their proceedings and the Minutes of Consultation relative to the half yearly Criminal Statements from 1st July to 31st December 1832.

(Here enter No. 1367)

Read Return, dated the 22d Ultimo, from the acting 2d Judge late on Circuit in the Centre Division, to Precept of Foujdaree Udalut dated the 18th Ultimo conveying their observations on the Chingleput

Chingleput Calendar 1st Sessions of 1834.

(Here enter No. 1371.)

Read Return dated the 27th Ultimo, from the 3d Judge on Circuit in the Southern Division to Precept of Foujdaree Udalut dated the 18th Ultimo, conveying their observations upon the Tinnevelly Calendar, and Madura Supplemental one for the 2d Sessions of 1834.

(Here enter No. 1394.)

Read additional Return, dated the 22d Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of Foujdaree Udalut dated the 7th July last, conveying their observations upon the Criminal Reports for January last.

(Here enter No. 1432.)

F. U.

At a Court of the Foujdaree Udalut

Present,

Saturday, 18th October, 1834. John Bird Esqr. Acting 1st. Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2d. Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Judge.

L.D. 1427

Read letter, dated the 3d. Instant, from the Provincial Court of Circuit in the Southern Division, transmitting the Criminal Reports of the Division prescribed by Section XXXV Regulation X. 1816 for the Month of August 1834.

(Here enter No. 1427)

The Statement of the labor of prisoners at Madura has been inadvertently omitted to be forwarded, and the Provincial Court of Circuit will therefore transmit it without delay.

1.

Madura.

	Criminal Judge	Sessions Judge	Sadr Amen	unexd.
	C.	P. C.	P. C	P. C P.
In Suspt. R	1.	6.	1	6.
In R. I.	12.	24.	1	3 10

Madura Suspt. Report Case 75.

2.

With reference to the remark of the Provincial Court of Circuit on this case contained in para 4 of their proceedings the Court of Foujdaree Udalut have to observe that it would seem that the Assistant Criminal Judge was not satisfied of the guilt of the Prisoners of the Crime of Perjury but that being of opinion that the offence did not amount to more than prevarication, he justly took

took into consideration the punishment the Prisoners had already undergone by a six months incarcerations.

Madura Report V. Case 32.

3.

The Court of Foujdaree Udalut do not see any reason, on full consideration of all the circumstances in the Report, to doubt that the Assistant Criminal Judge exercised a sound discretion in releasing the Prisoners in this case.

Tinnevelly Report V. Case 30.

4.

With regard to the Proceedings in this case which forms the subject of para 9 of the Proceedings of the Provincial Court of Circuit the Court of Foujdaree Udalut can give no opinion at present because the exact nature of the charge is not discoverable. If the charge was for having given a false complaint before the Police Officer the Acting Joint Criminal Judge was in error. If the charge was for giving a false complaint to the Magistrate he disposed of the case correctly.—

	Acting Joint Criminal Judge	Sudr Ameen	exceeds
In Supt. R.			
In R. V.	17	37.	
	21.	1. 15.	7. 13.

Case 31

5.

It appears to the Court of Foujdaree Udalut that the Acting Joint Criminal Judge was justified under the circumstances in allowing no credit to the Prosecutor's statement but this subsequent remark leaves it very questionable whether he was correct in not committing the prisoners.—

Crimes in Cols. of statement. Sick. Proportion.
71 — 2 — 35½

The

6.

	Criminal Judge	Asst. Cr. Judge	Sudr Ameen	exceeds
	C. P.	C P	C P	C. P
In Supt. R.	13.	38.		
In R. V.	31.	93.	2. 5.	
	11.	12.	15. 29.	5. 22.

Combaconum Supt. Report. Case 206

No. of Prisoners in Charge or Statement	Sick Proportion
206	14 — 10 7/7

The Court of Foujdaree Udalut avoid observe upon this case that admitting the correctness of the opinion of the Provincial Court expressed in the commencement of para 4 of their proceedings, the accusation of a woman of the class to which the Prosecutrix is supposed to belong, is not entitled to the consideration which would be accorded to that of a woman of unsuspected character. It does not seem to this Court that there is sufficient reason to question the ground upon which the Criminal Judge passed judgment in this case.

Salem Report V. Cases 276. 278. 283.

7.

Cattle stealing is apparently so very prevalent in Salem that the sentences in the cases noted in the margin are in the opinion of the Court of Foujdaree Udalut too lenient.—

279

	Criminal Judge	Asst. Cr. Judge	Sudr Ameen	exceeds
	C. P.	C P	C P	C. P.
In Supt. R.	7. 76.			
	4. 55.	2. 16.	1. 5.	
In R. V.	33 96.			
	21. 16.	2. 17.	15. 1.	6. 12.

8.

The Prisoner not having been convicted in case 278, it should have been stated in the Report that the prisoner was regularly tried on the charge in this case as the entry "This prisoner offence merges into No. 278." does not convey this information distinctly.—

With

Case 280

9. With respect to this case it is to be re-
marked that the Abstract shews the proof was defective
but that as there was strong suspicion security was
demanded. The Court of Foujdaree Udalut do not per-
ceive any thing in the Report calling for the concluding
observation in Para 29 and in para 30 of the Proceedings
of the Provincial Court of Circuit.-

Case 282

10. In advertence to the entry in the
column "punished" in this case. "It appears from
"the testimony of the witnesses Coopachee Coundan
"and Palaneemala Coundan that the 6 Prisoners cut
"off the Sheep of the Prosecutor" the Court would
observe that if there was proof to this extent, it does
not clearly appear why the Prisoners were not con-
victed.-

Case 292

11. With reference to the 31st para of the
proceedings of the Provincial Court of Circuit upon this
it is to be noted that as the offence of torture was not
proved the Assistant Criminal Judge could
not award any punishment.-

Case 297.

12. The Court of Foujdaree Udalut
concur in the sentiments of the Provincial Court
of Circuit expressed regarding the case 297 in para
32 of their proceedings: in para 34 on the case 301. and
— 301. & 302. in para 35 in the case 302.-

Case 299.

13. In the Report, case 299 it is not shewn
why the 3d prisoner was not punished for

Prisoners in C. 4 of Statement 304 — Sick Proportion 35 — 8 24/35

for an assault as it is notified that he confessed to
having flogged the Prosecutor.-

14. The Court are concerned to see the
large proportion of the prisoners in hospital at
Salem, but they will not here advert but further
as they have passed separate orders for measures to
be adopted to repress the sickness if possible and to
remove some of the prisoners to the Jail at Chittoor.-

15. It does not appear to the Court of
Coimbatore Report Foujdaree Udalut that the punish-
Cases 257 & 258. ment to which the Prisoner
Ct Judge Crimen unec. in these Cases has been sentenced
is inadequate the value placed
upon the stolen horses by the parties being probably
much exaggerated. a similar remark to that contained
in the concluding part of para 37 of the Proceedings of the
Provincial Court of Circuit would apply to any
theft.-

Case 266.

16. If there was no "breaking" proved
against the Prisoner in this case the sentence would
seem to be very severe.-

Cases 268 & 269

17. The Court of Foujdaree Udalut
with reference to the remarks of the Provincial
Court of Circuit consider that the security required
from

18th October 1834.

from the Prisoner in these cases is too high and the ∾ imprisonment in default of producing it, of too long duration and, they deem it proper to direct that he be at once released if in Jail or the Bailbond cancelled if entered into. With respect to case 270 in which burglary is involved the Court will not disturb the order for the requisition of security.—

case 270

case 291

18. In the case 291 the Provincial Court of Circuit will issue instructions for the reduction of the period of imprisonment in default to 3 months from the date of the order for security to be taken, ∾ unless the prisoner shall have furnished the security, in which case the Bailbond should be then destroyed.—

case 295.

19. The Provincial Court of Circuit will order the immediate discharge of the prisoner in this case who will have been held to security for two ∾ months and upwards a period for which, if convicted, he would not, most probably, have been imprisoned. If the security has been furnished the Bailbond ∾ should be at once annulled.—

Ordered, that Extract of these Proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable within 30 days after it's receipt, and for communication to the subordinate authorities of

Prisoners in Civil Statement.

	Debt	Perjury	
270	27	11	3 Under Sentence.
139	1	27	3 Under Imprisonment.
		26½	
291	15	19½	3 Awaiting Trial in Confinement.

18th October 1834.—

of such parts as concern them respectively.—

(Sent following Precept No. 1152)

Read letter dated the 12th Ultimo ∾ from the Provincial Court of Circuit in the Southern Division, transmitting Copies of Returns received from the several subordinate Authorities in the Division in reply to the observations of the Provincial Court on the Criminal Reports for May last.—

(Here enter F. 86. No. 1326 of 1834)

Madura 43.

The Court consider the view taken by the late Acting Assistant Criminal Judge of Madura, with regard to case No. 43, to be correct. It appears to them that the being found in possession of "spontaneous salt," is punishable by the ∾ Criminal Court under Section IV Regulation X of 1831 as an infraction of Section XVIII Regulation X of 1805.—

Acting Joint Criminal Judge of Tinnevelly 13 V. 50. & 51.

2. It should be intimated to the ∾ Acting Joint Criminal Judge of Tinnevelly, that the Circular order of this Court of the 16th November 1831 has decidedly reference to cases committed, and is by no means confined to those "finally disposed of, whether by punishment or release." It directs ∾ that the Criminal Courts shall invariably make a "concise but distinct note of the grounds of their order or sentence upon each Case."—

Ordered

13th October 1834.

from the Prisoner in these cases is too high and the es
imprisonment in default of producing it, of too long
duration and, they deem it proper to direct that he
be at once released if in Jail or the Bailbond cancelled
Case 270 if entered into. With respect to case 270 in which burglary
is involved the Court will not disturb the order for
the requisition of security.—

Case 291 13. In the case 291 the Provincial Court
of Circuit will issue instructions for the reduction of
the period of imprisonment in default to 3 months
from the date of the order for security to be taken, es
unless the prisoner shall have furnished the security
in which case the Bailbond should be then destroyed.—

Case 295. 19. The Provincial Court of Circuit will
order the immediate discharge of the prisoner in this
case who will have been held to security for two es
months and upwards a period for which, if convicted,
he would not, most probably, have been imprisoned.
If the security has been furnished the Bailbond es
should be at once annulled.—

Ordered, that Extract of these Proceedings
be sent to the Provincial Court of Circuit in the Southern
Division for their information and guidance by Precept
returnable within 30 days after its receipt; and
for communication to the Subordinate Authorities
of

Prisoners in Cof Madura. Tinnevelly. Palghaut. Coimbatore.
Sentence. 37 — 27 — 11 — 3 Jail.
129 — 7 — 36 — 3 Jail.
297 — 15 — 95 — 3 Jail.

13th October 1834.—

of such parts as concern them respectively.—

(Sent following Precept No. 1152)

Read letter, dated the 12th ultimo es
from the Provincial Court of Circuit in the Southern
Division, transmitting Copies of Returns received from
the several subordinate Authorities in the Division
in reply to the observations of the Provincial Court on
the Criminal Reports for May last.—

(Here enter F. 26. No. 1326 of 1834)

Madura 43. 1. The Court consider the view taken
by the late Acting Assistant Criminal Judge of
Madura, with regard to case No. 43, to be correct.
It appears to them that the being found in posses
sion of "spontaneous salt," is punishable by the es
Criminal Courts under Section IV Regulation X of
1831 as an infraction of Section XVIII Regulation
I of 1805.—

Acting Joint Criminal Judge of Tinnevelly. Mad. V. 50. & 51. 2. It should be intimated to the es
Acting Joint Criminal Judge of Tinnevelly, that
the Circular order of this Court of the 16th November
1831 has decidedly reference to cases committed, and
is by no means confined to those "finally disposed
of, whether by punishment or release." It directs es
that the Criminal Courts shall invariably
make a "concise but distinct note of the grounds
of their order or sentence upon each Case."—

Ordered

F 26:

18th October 1834.-

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Southern Division, with instruction to transmit Copy of para 1 to the late Acting Assistant Criminal Judge of Madura, and of para 2 to the Acting Joint Criminal Judge of Tinnevelly for their information respectively.

Sent in No. 1158/

Read return, dated the 12th Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of the Court of Foujdaree Udalut, under date the 13th June 1834, containing their remarks on the Criminal Reports for the Month of November 1833.-

(Here enter F. 26. No. 1383 of 1834.)

1. Accompanying the above Return is a letter from the Acting Collector of Vizagapatam, submitting the explanation which in para 10 of their proceedings of the 19th April last, the Provincial Court suggested should be called for regarding cases Nos. 107 and 108 of the Supplemental Report, in the former of which the Prisoner is charged with having when holding the Situation of Auncen in the Talook of Pedugadah, in the Vizianagrum Zamindary made false and fraudulent entries in the "circars accounts" and

F 26:

18th October 1834.-

and in the latter with having when holding the situation of Auncen of Vuddadah in the Vizianagarum Zamindary embezzled different sums to the amount of Rupees 1049..2.-

2. The explanation was called for for the purpose of ascertaining whether the belief entertained by the Provincial Court was well grounded, that the Vizianagarum Zamindary is under the Management of the Collector on behalf of the Zamindar by virtue of an arrangement which has received the sanction of Government: but not on behalf of the Government: or under attachment for arrears of Revenue. The Provincial Court "conclude that the Lands concerning "the assessment of which the Prisoner in the former "case is charged with having made false and "fraudulent entries in the accounts, form a part of "the Vizianagarum Zamindary - consequently the Money "which he is also charged with having appropriated, "is not public Revenue but the private Rents of a "Zamindar." The Provincial Court advance some further reasons in support of the conclusion at which they arrive that "the cases in question do not "fall within the provisions of Regulation IX of 1822."-

3. The Acting Collector explains that the Vizianagarum Zamindar, being embarrassed in his circumstances

F. Co.

F. Co.

18th October 1834.

circumstances, has requested permission from Government to proceed to Benares and expressed his desire that the Collector might be permitted to manage his Country in his absence, with which request the Government complied, and issued instructions to the Collector to take charge of the Zamindary of which the affairs are accordingly administered under him by his public establishment assisted by an additional one entertained for the purpose.

Upon this subject the Court of Foujdaree Adalut now proceed to observe that when an estate is taken under the Management of a Collector whether by order of a Court of Judicature or by order of Government, he acts as a public officer of Government, with their sanction and the Government are responsible for all Money levied under his authority. Hence it follows that Money received under such Management becomes public Money, and that portion of the receipts payable to the Circar as the Beej or Peishkush is exclusively so, the rest also continuing to be public Money until made over to private hands when the responsibility of Government ceases. The accounts kept by the Servants of the Collector as managing are public accounts, and consequently the Servants themselves employed by the Collector as

F. Co.

18th October 1834.

as public Servants, removeable and nominated by him, amenable in all cases to the provisions of Regulation IX of 1822.

5. Under this view of the case, the Court consider the Proceedings of the Acting Collector of Vizagapatam to be correct, and in accordance with the spirit of the above mentioned Regulation.

Ordered, that Extract from these Proceedings be sent to the Provincial Court of Circuit in the Northern Division for their information, with instructions to transmit a copy of the same to the Acting Collector of Vizagapatam.

(Sent in No. 1154.)

F. 26.

At a Court of the Foujdaree Adalut.

Present

Monday 20th October 1834.— John Bird Esqr. Acting 1st. Puisne Judge

Thomas Alex.r Oakes Esqr. Acting 2d. Puisne Judge

Alex.r Duncan Campbell Esqr. Acting Judge

Read Petition presented by Acky reddy

of the Zillah of Cuddapah.—

Here enter Mis. Pet. No. 89 of 1834.

The Petitioner prays the Court to

issue orders for the release of his brother in law,

Timmareddy Pauspy Reddy, the 2d. Prisoner in Case

No. 4 on the Cumbum Calendar, for the 2d. Sessions

of 1833, who he states, has been sentenced by the Court

of Circuit to imprisonment and hard labour

for 14 Years; on a false and Malicious Charge

of Gang Robbery.—

The Petitioner is informed that this

Court issued an order under date the 3d. instant,

directing the immediate and unconditional release

of all the Prisoners in the above mentioned case.

Ordered, that Extract from these

Proceedings be furnished to the Petitioner upon

his application.—

F. 26.

At a Court of the Foujdaree Udalut.

Present,

Tuesday, 21st. October, 1834.

John Bird Esqr. Acting 1st. Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2nd. Puisne Judge.

Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter dated the 1st. Instant from the Acting 2nd. Judge of the Court of Circuit in the Centre Division, transmitting the record in Case No. 42 of the Bellaree Calendar 2nd. Sessions of 1833.

Mr. Bird and Mr. Campbell

(Here enter No. 1415)

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

"Nulla Mangadoo,"

is sufficient to convict him of the crime of Gang Robbery by open violence attended with murder, do, under the authority with which they are vested, by Clause First Section II Regulation I of 1818, convict him thereof, and in conformity with the Provisions of Clauses Third and Fifth, Section IX. Regulation XV. of 1803, sentence him to be imprisoned and kept

8n 26.
1st October 1834.

kept to hard labor in irons on the public roads or other public works for and during the period of 13 years.—

(Sent following letter No. 1156)

Read letter dated the 30th Ultimo from the Provincial Court of Circuit Western Division transmitting the Criminal Reports prescribed by Section XXXV Regulation X. 1816 for the Month of August 1834.—

(Here enter No. 1436)

The only remark which the Criminal Reports of the Court at Mangalore appears to call for, respects the case 92 of the Supplemental Report, and have to observe upon it, that the property in question not having been obtained by theft, or, robbery, the Prisoner is not punishable under Clause 4th Section IV Regulation VI 1822 but under Section VII Regulation X 1816. The Provincial Court of Circuit will therefore issue orders for the sentence to be modified accordingly.—

Canara

	Crim. Judge C	Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.	2	6				
In R V	14	46			4	13
	5	15	6	16		

Canara Acad. Court. 2.

No observation appears necessary upon

21st October 1834.

	Acting Sr. Crim. Judge C	Acting Sr. Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.						
In R V	9	10				
	3	5			4	5

Prisoners in C4 of Statement — Sick 33 — none Honore at the

3

Malabar

Report V Case 341.

	Crim. Judge C	Crim. Judge P	Aft. Crim. Judge C	Aft. Crim. Judge P	Sudr Ameen C	Sudr Ameen P	unconv. C	unconv. P
In Supp. R.	21	62			6	14	SA	
	9	32			3	7	SA	P
In R. V	60	182					3	9
	29	82			5	15	S	M
					5	8	S	P
							27	53

Prisoners in C4 of Statement — Sick — Proportion 333 — 40 — 8 2/10.

Cases 373 and 374

Cases 383 and 384

upon the Criminal Reports from the Auxiliary Court of Canara. The Court of Foujdaree Udalut are well pleased to observe that there were no sick prisoners at the close of August.—

With reference to the 3rd Para of the Proceedings of the Provincial Court of Circuit upon this case, they are now authorized to cancel the order for its security, if they find their suspension correct, that it has not been required on the ground of some act of Criminality with which the Prisoner was charged.—

4. There being nothing in the Report to shew, why these cases could not be disposed of together with case 339 in which the same prisoner has been tried and convicted, the Provincial Court of Circuit will call for an explanation of the cause of their being "under examination."—

5. Upon further enquiry the Provincial Court of Circuit find, that the view they have taken of these cases from the "Abstracts" is correct, they will order them to be disposed of by

F. 26.

21st October 1834.

by the Criminal Judge.-

Suppl. Report Case 245. 6. The Court think that the circum-
-stances specified in the Report leave room for
questioning, whether these prisoners should
not have been committed for trial - the cir-
-cumstantial evidence was exceedingly strong.-

Case 263. 7. The Report does not shew, whether
or not the prisoner was punished for the of-
-fence of escape - his surrendering on the
Magistrate's proclamation, would not seem
to expiate the guilt incurred in the commission
of the offence, which he had rendered himself
liable to punishment.-

8. The Court of Foujdary Udalut
would here again record their commendation
of the Criminal Judge Mr. Nelson's great
exertions who disposed of no less than 33 cases
including 114 prisoners during the month
of August - They consider him indefatigable
in his duties, and will bring his conduct to
the notice of the Government.-

Malabar Joint Criminal Court 9. The Reports of the Joint Criminal
Court

21st October 1834.-

	Joint Crim. Judge		Judr Ameen		unex.			
	C	P	C	P	C	P		
In Suff.t R.	3	7						
In R V	13	23						
	12	24			1	4		

Prisoners in C.A Statement — 96 — Sick — 8 — Proportion 1/12

10.

Native Criminal Court of Canara

	Native Crim. Judge		Judr Ameen		unex.		
	C	P	C	P	C	P	In last Statement C. P
In Suff.t R.	7	8					
	2	1			5	4	9 7.
In R. V	10	19					
	3	12			2	1	
					7	5	

Prisoners in C.A Statement — 12 — Sick. 1 — 1/12

Criminal Judge regarding the security taken in it, and report it for the information of the Court of Foujdary Udalut.-

11. The difference should have been explained between the cases and prisoners entered in the last Reports as un-examined, which dont appear in the Provincial Court's Statement.-

Ordered that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division for their information and guidance by Precept re-turnable within 30 days after its receipt,

Court of Malabar do not seem to call for any observation.-

Case 58 of the Report No. V of the Native Judge of Canara is the only one that requires notice, and the Provincial Court of Circuit will upon receiving the explanation of the Native

and

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and for communication to the subordinate authorities of such parts as concern them respectively.—

(Sent following Precept No. 1157/

Road return dated the 22nd. Ultimo, from the Provincial Court of Circuit in the Northern Division, to Precept of the Fouzdaree Udalut, under date the 13th. June 1834, conveying their remarks on the Criminal Reports for December 1833.—

(Here enter F. Vo. No. 1431 of 1834)

1 The Magistrate of Guntoor was required, with reference to two cases in his Supplemental Report, to prevent the future transmission of cases to the Criminal Court, without adequate inquiry, as to the credit due to the charges preferred. His particular attention was also called to the Circular order of 21st. May 1823. Mr. Lewin has however deemed it necessary, to defer acting upon that Precept, and to express his opinion, that the orders of the Fouzdaree Udalut are the result of misinformation, in one of the cases No. 419, and that the Court which released

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released the Prisoners should be called upon to show how under the circumstances it was justified in so doing.—

2. The proceedings of this Court referred to by Mr. Lewin, were founded upon the remark in the Guntoor report upon the case in question, namely, that the "Prisoners "are released, the Magistrate having reported "that no evidence is procurable."—

3 It appears doubtful from Mr. Lewin's observations, whether he is aware that this Court have ruled, that a confession before a Police Officer, unsupported by any corroborating evidence, is of itself insufficient not only for conviction, but to justify the detention of a Prisoner on requisition of security.—

4. It is quite clear however, from Mr. Lewin's explanation, that the Police Officer was justified in sending the Prisoners for trial to the Criminal Court, and consequently he is absolved from all blame on that account. It

would

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would appear also that evidence in corroboration of at least that part of the confessions, which regards the death of one of the robbers, ought to have been forthcoming, but it is not evident from whose neglect that evidence was not supplied. The Court resolve to direct the 1st Judge of Circuit about to proceed to Guntoor to examine into the case in question, and to ascertain whether sufficient investigation was made and to report the result to this Court.

Ordered, that Extract from these proceedings be sent to the Provincial Court of Circuit in the Northern Division, with instructions to communicate a copy thereof to the Magistrate of Guntoor and to the 1st Judge on Circuit in the Northern Division for their information and guidance respectively.—

(Sent in No. 1154)

Read letter dated the 7th Instant from the Officiating Secretary to Government in the Judicial Department, approving of the sentence of the Foujdaree Udalut in case No. 1 Chicacole Special Court of 1834.

(Here enter No. 1424)

sentence of the enter Udalut

At a Court of the Foujdaree Udalut

Present,

Thursday 23rd October 1834. John Bird Esqr. Acting 1st Puisne Judge.

Thomas Alexr. Oakes Esqr. Acting 2nd Puisne Judge

Alexr. Duncan Campbell Esqr. Acting Judge.

Read letter, dated the 8th Instant from the 3rd Judge on Circuit in the Southern Division, transmitting the record in Case No. 6 on the Tinnevelly Calendar 2nd Sessions of 1834.—

(Here enter No. 1454.)

Mr. Campbell

The Court of Foujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, the Futwa of the Provincial Law Officer, and the Futwa of the Cazee ool Cozat and Mooftees of the Foujdaree Udalut are of opinion that the Prisoner

1st Gnanamootunadem,

is not convicted on presumptive proof, or on the evidence of credible Witnesses or on his own confession, notwithstanding the Futwa of their Law Officers and accordingly under the provisions of Clause Third, Section V Regulation

23rd October 1834.

Regulation VIII of 1831, and Clause Sixth, Section II Regulation XV of 1803, direct that the Prisoner aforesaid be set at liberty.-

(Sent following letter No. 1163)

Read order of Government under date the 17th Instant, upon the Proceedings of the Faydaree Adalut of the 9th Instant, on the Report submitted by the Acting 2nd Judge on Circuit in the Centre Division under date the 21st July 1834, as required by Section XXXVII & Regulation VII of 1802 for the Chittoor 4th Quarter Sessions of 1833 and 2nd Sessions of 1833 at & Chingleput and Cuddalore.-

(Here enter F. Vo. No. 1476 of 1834.)

The Court resolve to transmit copy of the above order of Government to the Acting 2nd Judge late on Circuit in the Centre Division, & and to instruct him to transmit copy of para 1 to the Criminal Judge of Chingleput with directions to release immediately the Prisoner Sadaseven, upon his Uncle Moottiah Chetty becoming security for his future good behaviour, And copies of para 2 to the Magistrates of & Chingleput

23rd October 1834. Chingleput and Cuddalore, and the Criminal Judge and Joint Criminal Judge of those Stations for their information respectively; and of para 3 to the Acting Criminal Judge of & Chittoor for his information.-

Ordered, that Extract from these Proceedings, with Copy of the Government order under consideration, be sent to the 2nd Judge late on Circuit in the Centre Division for his information and guidance by precept returnable without delay.-

(Sent following Precept No. 1164)

Read return from the 1st Judge on Circuit in the Northern Division dated the 10th Instant, to the Court's precept of the 29th ultimo, directing him to close the trials, and pass sentence in two postponed cases before him.-

(Here enter F. Vo. No. 1464 of 1834)

In the foregoing return the 1st Judge satisfactorily explains the circumstances of his reference of the 1st August last; and & requests the instructions of the Court, whether a

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a witness who has not been called by the prisoners can now be examined by him in case No. 2, one of the two alluded to in his reference.—

The Court are clearly of opinion that as the prosecution has been closed; and the defence of the prisoners in part taken, the witness in question cannot be examined, but at the desire of the prisoners. It appears from the 1st Judges Statement, that they do not wish him to be examined, it will be his duty therefore to pass sentence without receiving his evidence.—

Ordered, that Extract of these Proceedings be furnished to the 1st Judge of Circuit in the Northern Division for his information and guidance.—

(Sent in No. 1165)

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division, accompanying the Criminal Reports prescribed by Section XXXV Regulation X 1816 for the Month of July 1834.—

(Here enter No. 1421)

1. According to the Statement of the

23rd October 1834.

the Provincial Court of Circuit which accompanied the Extract of their Proceedings upon the Criminal Reports for the Month of June there were 370 cases including 100 Prisoners depending at the end of that month before the Criminal Court at Chittoor. The Provincial Court will call upon the Acting Criminal Judge to explain the difference as 35 Cases only appear in the present Supplemental Reports—The number of Prisoners it is remarked is correct.—

Chittoor

	Acting Crim. Judge		Asst. Crim. Judge		Sudr Ameens		Amed.	
	C	P	C	P	C	P	C	P
In Suppl. R.	35	100						
In R. V	24	41	1	1			10	58
	46	111						
	7	15	13	14	6	10	19/29	67/125

2.

*29 C. 125 P. That so large a number of Cases and prisoners remained undisposed of by the Criminal Court at Chittoor at the close of July. The Provincial Court of Circuit will require the Acting Criminal Judge to use his utmost endeavours to clear off these arrears, availing himself for the purpose more extensively than heretofore, of the services of the Sudr Ameens. With reference to the number of persons committed it is to be observed, that the object of the permanent Sessions appears to be entirely

23rd October 1834.

entirely lost. The Court however are aware, that this state of things could not be avoided while there was only one Judge in the Provincial Court of Circuit in the Centre Division; but they trust that with the full number of Judges a more satisfactory result will be exhibited.—

Report X
Case 230

3. The order for the unconditional release of the 1st prisoner in this case should not have been passed by the Provincial Court of Circuit without the sanction of the Court of Foujdaree Adalut. It certainly would seem from the Report that there was nothing against the said 1st Prisoner beyond his Talook confession, but this should have been clearly ascertained previous to his release, and it rested with the Court of Foujdaree Adalut alone to issue the final order for his discharge.

4. The Court concur in the concluding remark of the Provincial Court of Circuit in the 3rd para of their proceedings — they will call for an explanation from the Acting Criminal Judge and will, if they think fit, issue orders for the release of the 2nd prisoner if they then consider

23rd October 1834.

consider the grounds for demanding security from him insufficient, reporting their orders to the Court of Foujdaree Adalut.—

5. The observations of the Provincial Court on this case are quite correct, supposing that the charge had been exclusively resistance of the Magistrate's process. The case however appears to be involved in doubt, for, from the entry in the Column of "punished" it would seem that the prisoners were charged also with Assault and escape, and if this view of the case is correct the sentence might be proper. The Provincial Court of Circuit will therefore require the Acting Criminal Judge to explain to them the real facts of the case, and will issue such orders as they may deem necessary, acquainting the Court of Foujdaree Adalut with the nature of the orders. The Court consider the Provincial Court of Circuit to have acted correctly in releasing the Prisoners on Bail under the impression they had, that the case was one of simple resistance to process, pending the final decision regarding it.—

Case 234.

6. The Court of Foujdaree Adalut concurring with the Provincial Court of Circuit as