



Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihraan last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihraan last year.	Witnesses who doubted the prisoners as being with Mihraan last year.	Those marked with * are said by Soorut Singh to have been in the Mukra Dacoity.	Do. do. by Soudancee Khar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
93	Tek, son of Gopee.	Poorooah in Pergunna Gonra.	Sear Mur-wa. Calls himself a Jaut, aged 20.	28, 55	9, 51	23						It is doubtful whether this prisoner was concerned in the Mukra Dacoity or not. He came this year with Munsa.
94	Khurga, son of Sooltan.	Poorooah in Pergunna Gonra.	Sear Mur-wa. Calls himself a Jaut, aged 25.	9, 23, 38						With No. 3.	B.	Not concerned in Mukra Dacoity. Came with Munsa this year.
95	Nanhoo, son of Mahungoo.	Poorooah in Pergunna Gonra.	Sear Mur-wa. Calls himself a Jaut, aged 55.			55				With No. 3.	B.	Not concerned in Mukra Dacoity. Came with Munsa this year.
96	Ramdeen alias Go-ray Lal, son of Dhunee.	Kusspa in Pergunna Ootroul.	Sear Mur-wa. Calls himself a Koormee, aged 35.	6, 8, 10, 38, 46, 51, 54, 55	9, 14	23	*	*	*	With No. 3.	B.	There is strong presumption that this man was concerned in the Mukra Dacoity. He was fully recognized before the Magistrate.



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	Bhrowance-deen, son of Byjoe.	Kusspa in Pergunna Ootroul.	Sear Mur-wa. Calls himself a Koormee, aged 30.	9	14	23				With No. 3.	A.	Appears to have been apprehended in February 1820, with No. 6 and 90 in Benares, and was consequently not concerned in the Mukra Dacoity.
98	Buljeet alias Bul-la, son of Jodha.	Kutwa-see in Pergunna Bhurut-poor.	Budhek. Calls himself a Jaut, aged 28.	10, 38, 40, 52, 53, 55	9, 12	12, 23	*	*	*	With No. 3.	A.	There is strong presumption that this man was concerned in the Mukra Dacoity.
99	Duljeet, son of Runjeet.	Jutwanee in Pergunna Bhurut-poor.	Sear Mur-wa. Calls himself a Jaut, aged 50.	10	9, 54, 55, 56		*		*	With No. 3.	A.	There is strong presumption that this man was concerned in the Mukra Dacoity.
100	Jeeasoo, son of Josee.	Poorooah in Pergunna Baraitch.	Sear Mur-wa. Calls himself a Koormee, aged 30.			23, 37				With No. 3.	B.	Does not appear to have been concerned in the Mukra Dacoity. Came this year with Munsa.
101	Buldeo, son of Josee.	Poorooah in Pergunna Baraitch.	Sear Mur-wa. Calls himself a Koormee, aged 35.	9, 14, 46	28					With No. 3.	B.	Does not appear to have been concerned in the Mukra Dacoity. Came this year with Munsa.

APPENDIX.

1826.
Case of
MIRHAN
and others.



Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with * are said by Soorut Singh to have been in the Mukra Dacoity.	Do. do. by Soudancee Kuhar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
102	Teekchund, son of Tilukram.	Poorooah in Pergunna Baraitch.	Scar Mur-wa. Calls himself a Koormee, aged 28.	53						With No. 3.	B.	Does not appear to have been concerned in the Mukra Dacoity. Came this year with Munsa.
103	Oree, son of Pershaud.	Mahadeha in Pergunna Gonra.	Scar Mur-wa. Calls himself a Baree, aged 45.	10, 46	9, 14	55				A No. 1.	B.	Has several marks of sword wounds, but does not appear to have been concerned in the Mukra Dacoity. Came with Munsa.
104	Gungadhur, son of Nanhoo.	Kukroree in Pergunna Bhingga.	Scar Mur-wa. Calls himself a Rajpoot, aged 35.							With No. 3.	B.	Not in Mukra Dacoity. Came this year with Munsa.
105	Rugha, son of Nanhoo.	Kukroree in Pergunna Bhingga.	Scar Mur-wa. Calls himself a Rajpoot, aged 22.			23				With No. 3.	B.	Does not appear to have been with Mihriban last year. Came this year with Munsa.



	Nirkoo, son of Jokhia.	Hurray- poor in Per- gunna Seeta- poor.	Sear Mur- wa. Calls himself a Koormee, aged 18.	9								
107	Jeet Singh <i>alias</i> Ab- jeet, son of Nowal.	Etua in Pergunna Seeta- poor.	Sear Mur- wa. Calls himself a Rajpoot, aged 26.	10, 23, 45	6, 7, 9, 36	Dft.				Apprehended in Jungumbarce, Gya. See witness- es No. 68 and 69. With No. 106.	B.	He is quite a lad, and if he was in the Da- coity last year with No. 1, could not have borne an active part in it.
108	Nanboo, son of Mihr- ban.	Etua in Pergunna Seeta- poor.	Sear Mur- wa. Calls himself a Koormee, aged 45.	9, 36, 52, 55	42	*	*	*		With No. 106.	A.	This man is half brother to Mihrban, and there is reason to think accompani- ed him last year, as he has been fully recognized.
109	Chotay Singh <i>alias</i> Kunhya, son of Nyne Singh.	Poorooah in Per- gunna Moorsun.	Sear Mur- wa. Calls himself a Rajpoot, aged 30.	3, 10, 22, 55	1, 7, 9	23	*	*	*	Apprehended in Thana Jahana- bad. See witnesses No. 75, 76, & 77. With No. 109.	A.	This man was observed with a blunder- buss on the side of the river the night of the Dacoity, and there is other strong presumptive proof, that he was con- cerned in the Mukra Dacoity: ap- pears to be a spy of Mihrban's, and in his confidence.
110	Bacha, son of Lauljee.	Burd- wancee in Pergunna Raja Moorsun.	Sear Mur- wa. Calls himself a Rajpoot, aged 30.	6, 9, 26, 53	24	*	*	*			A.	This man I think there is strong presump- tion, was concerned in the Mukra Da- coity. He has been fully recognized be- fore the Magistrate.

Case of
MIRHAN
and others.



Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners, and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with * are said by Soorut Singh to have been in the Mukra Dacoity.	Do. do. by Soudanee Kubar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
111	Bussawun alias Tharoo, son of Doorjun.	Burdwan in Per-gunna Muthoorra.	Sear Mur-wa. Calls himself a Rajpoot, aged 35.	9, 55	10	24	*	*	*	With No. 109.	A.	This man, I think there is strong presumption, was concerned in the Mukra Dacoity, although imperfectly recognized by any of the witnesses, except Soorut Singh, Soudanee, and Heera prisoner.
112	Mudaree alias Modhee, son of Pamhoo.	Burdwan in Per-gunna Muthoorra.	Sear Mur-wa. Calls himself a Baree, aged 32.	55		23, 24	*	*	*	With No. 109.	A.	This man, I think there is strong presumption, was concerned in the Mukra Dacoity, and has been fully recognized before the Magistrate.
113	Bhitchook, son of Tekka.	Sasseram in Per-gunna Lucknow.	Sear Mur-wa. Calls himself a Baree, aged 20.		9		*	*	*	Apprehended in Thana Hilsa. See Witnesses Nos. 80 and 81.	A.	This man, I think there is strong presumption, was concerned in the Mukra Dacoity, and has been fully recognized before the Magistrate.
114	Soojan Singh, son of Dhunee.	Dubree in Per-gunna Lucknow.	Sear Mur-wa. Calls himself a Jaut, aged 25.							With No. 113.	A.	This prisoner does not appear to have been with Mihriban last year, but to have joined him lately from the west.



115	Musst. E-merty alias Pyjooneea, wife of Mibrban Singh.	Munka-poor in Pergunna Ba-raitch.	SearMur-wa. Calls herself a Rajpoot-in, aged 30.	9, 54, 55					With No. 2.	Appears to have accompanied Mibrban last year, and on other occasions. She is sister to No. 18, and was wife to Kul-lunder, a former leader.
116	Musst. Ma-hooree, 2d wife of Do.	Poorwa.	SearMur-wa. Calls herself a Rajpoot-in, aged 20.						With No. 2.	4. This woman, it appears, was married to No. 1, just before he set out on the present expedition. She is daughter to No. 18.
117	Musst. Me-reeah, wife of Motec.	Bejpoor in Pergunna Atroula.	SearMur-wa. Calls herself a Buheteeta, aged 20.	9, 39					With No. 2.	4. This woman probably accompanied her husband last year with Mibrban.
118	Musst. Mundiah, daughter of Chera.	Bubun-gawan.	SearMur-wa. Calls herself a Koormin, aged 10.	54					With No. 2.	4. A servant of No. 115, and probably accompanied her last year, but is quite a child. When the gangs separated at Arungabad, she went with Bhoop and his followers, which proves that the gangs were in close communication with each other.
119	Musst. Beeputeea, daughter of Mohonee.	Poorooah in Pergunna Gonra.	SearMur-wa. Calls herself a Koormin, aged 35.						With No. 2.	4. It is not clear who she is, but admits being of Mibrban's party.

APPENDIX.

1826.
Case of
MIBRBAN
and others.



Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with* are said by Soorutt Singh to have been in the Makra Dacoity.	Do. do. by Soudance Kuhar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
120	Musst. Seedhnee, wife of Dulthum-mun.	Poorooah in Pergunna Gonra.	Sear Mur-wa. Calls herself a Koormin, aged 30.		36					With No. 2.	A.	This woman admitted before the Magistrate that she accompanied her husband last year eastward, and was taken with Mihriban's party.
121	Musst. Muriah, wife of Ooda.	Poorooah in Pergunna Gonra.	Sear Mur-wa. Calls herself a Koormin, aged 28.							With No. 2.	A.	It appears her husband was of Mihriban's party, but made his escape.
122	Musst. Madiah, wife of Bhitchook.	Gonry in Pergunna Atroula.	Sear Mur-wa. Calls herself a Koormin, aged 40.							With No. 2.		Came with her husband, and probably accompanied him last year.
123	Musst. Looroo, wife of Alha.	Dheeky.	Sear Mur-wa. Calls herself a Rajpootin aged 50.			54				With No. 2.	A.	Is one of Mihriban's party, and mother to Buljeet (14), and probably accompanied the gang last year.



124	Musst. Jy- koonwur, wife of Baul- kishoon.	Poorooah in Per- gunna Gonra.	Sear Mur- wa. Calls herself a Lodhee, aged 45.					With No. 2.	A.	It does not appear who this woman is, but she was taken with Mihrban's party, and accompanied them.
125	Musst. Rooply, wife of Heera.	Khas in Pergunna Baraitch.	Sear Mur- wa. Calls herself a Jant, aged 20.					With No. 2.	A.	The wife of Heera (22), and accompanied him last year.
126	Musst. Dhounnee, wife of Bussunt.	Etau in Pergunna Baraitch.	Sear Mur- wa. Calls herself a Gwalin, aged 50.	38			*	With No. 2.	A.	Appears to have accompanied Mihrban's party last year.
127	Musst. Sooknee, wife of Anundee.	Achul- poor in Pergunna Baraitch.	Sear Mur- wa. Calls herself a Barin, aged 50.					With No. 33.	A.	This woman appears to belong to Mihr- ban's party.
128	Musst. Soobhu- ncea, wife of Bhun- dhoo.	Etau in Pergunna Baraitch.	Sear Mur- wa. Calls herself a Rajpoot- in, aged 40.	41			*	With No. 2.	A.	Is the wife of No. 6, and it appears accom- panied Mihrban's party last year.

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Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized the prisoners before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with * are said by Sooraj Singh to have been in the Mukra Dacoity.	Do. do. by Soudanee Kubar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
129	Musst. Chotoky, wife of Doorga.	Dubree in Pergunna Burah.	Sear Mur-wa. Calls herself a Koormin, aged 25.			51				With No. 3.	B.	Is of Mihriban's party.
130	Musst. Go-inda, wife of Bhoop Singh.	Dubree in Pergunna Burah.	Sear Mur-wa. Calls herself a Rajpootin, ag. 25.							With No. 3.	B.	Wife to Bhoop (3) Sirdar.
131	Musst. Purnya, wife of Deally.	Dubree in Pergunna Burah.	Sear Mur-wa. Calls herself a Koormin, aged 40.			23				With No. 3.	B.	It is not probable that this woman was of Mihriban's party last year, as she now belongs to that of Bhoop.
132	Musst. Desooree, wife of Ahmee.	Lodha in Agra.	Sear Mur-wa. Calls herself a Koormin, aged 60.							With No. 3.	B.	It is not probable that this woman was of Mihriban's party last year.



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133	Musst. Parbuttee, daughter of Munooan.	Dherpoora.	Sear Murwa. Calls herself a Jaut, aged 10.					With No. 3.	B.	It is not probable that this woman was of Mihrban's party last year.
134	Musst. Gounra, wife of Suljoo.	Doolapoor.	Sear Murwa. Calls herself a Rajpootin, aged 50.					With No. 3.	B.	It is not probable that this woman was of Mihrban's party last year. She is mother to No. 133.
135	Musst. Phoola, wife of Jokhun.	Dherpoora.	Sear Murwa. Calls herself a Koormin, aged 40.					With No. 3.	B.	It is not probable that this woman was of Mihrban's party last year.
136	Musst. Purnmee, wife of Gopeenath.	Poorooah in Pergunna Gonra.	Sear Murwa. Calls herself a Jaut, aged 25.					With No. 3.	B.	It is not probable that this woman was of Mihrban's party last year.
137	Musst. Khujoree, wife of Khurugjeet.	Poorooah in Pergunna Gonra.	Sear Murwa. Calls herself a Jaut, aged 30.					With No. 3.	B.	It is not probable that this woman was of Mihrban's party last year.

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1821.
Case of
MIHRBAN
and others.



Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners, and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with * are said by Soorut Singh to have been in the Mukra Dacoity.	Do. do. by Soudanee Kubar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
138	Musst. Mehekha, wife of Doorjan.	Poorocah in Pergunna Gouza.	Sear Murwa. Calls herself a Jant, aged 30.							With No. 3.	B.	Apprehended with Munsa's party.
139	Musst. Subjoe, wife of Laljeet.	Juttamn-see near Bhurut-poor.	Sear Murwa. Calls herself a Jant, aged 50.		9					With No. 3.	B.	Apprehended with Munsa's party.
140	Musst. Heereca.	Agra.	Sear Murwa. Calls herself a Jant, aged 50.							With No. 33.	A.	She appears to be mother-in-law to Heera, and accompanied Mihriban's party.
141	Musst. Muriha, wife of Moolha.	Kuhra in Pergunna Kolooa-poor.	Sear Murwa. Calls herself a Koormin, aged 60.							With No. 3.	B.	Appears to belong to Munsa's party.



142	Musst. Soogundheea, wife of Murdun.	Dubree in Pergunna Burrah.	Sear Murwa. Calls herself a Barin, aged 35.					With No. 3.	B.	Appears to belong to Munsa's party.
143	Musst. Ojbee, wife of Nanhoo.	Etua in Pergunna Seeta-poor.	Sear Murwa. Calls herself a Koormin, aged 45.					With No. 106.	A.	Appears to belong to Munsa's party.
144	Musst. Dhounnee, wife of Teka.	Etua in Pergunna Seeta-poor.	Sear Murwa. Calls herself a Koormin, aged 40.					With No. 106.	A.	Appears to belong to Munsa's party.
145	Musst. Kheereah, daughter of Nanhoo.	Etua in Pergunna Seeta-poor.						With No. 106.	A.	Appears to belong to Munsa's party.
146	Chotay, son of Mayree.	Shah-gunge attached to Adjoo-dheea,	Kuhar.	8				With No. 33.	A.	This man does not appear to have accompanied Mihrban last year : but admits having been with him this year.

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1921.
Case of
Mihriban
and others.

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Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihriban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihriban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihriban last year.	Those marked with * are said by Soorut Singh to have been in the Mukra Dacoity.	Do. do. by Soudanec Kuhar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sindar.	REMARKS.
147	Ramdeen, son of Dookhe.	Ghuwas in Pergunna Ajoodheea.	Kuhar.							With A No. 1.	A.	This man does not appear to have accompanied Mihriban last year. Admits having been with him this year.
148	Bukhtour, son of Ramye.	Khas, Oude.	Kuhar.		27, 39	54				A No. 1.	A.	Appears to have accompanied last year, and to have been privy to the Dacoity.
149	Kulleean, son of Bukhtour.	Shahagunge attached to Ajoodheea.	Kuhar.							A No. 1.	A.	Admits having accompanied Mihriban this year.
150	Bukhtour, son of To-ree.	Khas, Ajoodheea.	Kuhar.		55					A No. 1.	A.	Admits having accompanied Mihriban this year.

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	Hoolas, son of Torul.	Muhooa-damur.	Kuhar.	35, 51	36, 55	*	With No. 2.	A.	Appears to have accompanied Miharban last year, and to have been privy to the Dacoity.
152	Mayree, son of Buldar.	Muhooa in Pergunna Bungeah	Kuhar.	10, 25, 54			With No. 2.	A.	Appears to have accompanied Miharban last year, and to have been privy to the Dacoity.
153	Koolahul, son of To-ree.	Poorooah in Pergunna Gonra.	Kuhar.	10, 19			With No. 2.	A.	Admits having accompanied Bhoop Koor-mee this year, who is a follower of Miharban.
154	Pershadde, son of Chumroo.	Poorooah in Pergunna Gonra.	Kuhar.				With No. 2.	A.	Admits having accompanied Lekhye (40), a follower of Miharban this year.
155	Duhpelooah, son of Sheobux.	Khorasah in Pergunna Gonra.	Kuhar.	10, 23, 38, 52, 54, 55	44		With No. 2.	A.	It appears this man was with Miharban last year.

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1821.
Case of
Mihriban
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1821.
Case of
Mihirban
and others.

Statement A, shewing the Names of Prisoners, by what Witnesses recognized, &c. (Continued.)

Number of calendar.	Names of the prisoners and their fathers.	Place of residence.	Caste and ages.	Witnesses who recognized the prisoners before the Magistrate only as being with Mihirban last year.	Witnesses who recognized before the Court of Circuit and Magistrate as being with Mihirban last year.	Witnesses who doubtfully recognized the prisoners as being with Mihirban last year.	Those marked with * are said by Soorutt Singh to have been in the Mukra Dacoity.	Do. do. by Soudanee Kuhar.	Do. do. by Heera.	With whom apprehended, and where.	Belonging to what Sirdar.	REMARKS.
156	Leeluck, son of Buldee.	Khas, Bungla.	Kuhar.		54					With No. 3.	B.	Admits having come with Bhoop this year.
157	Sudhaun, son of Pir-tram.	Khas, Bungla.	Kuhar.		9, 10, 39, 41, 54, 56	37				With No. 3.	B.	It appears this man was with Mihirban last year; but this year he came with Bhoop.
158	Sookram, son of Kul-loot.	Nowab-gunge near Ad-joodhêea.	Kuhar.			51, 55				With No. 3.	B.	Admits having accompanied Bhoop this year.
159	Oree, son of Mayree.	Khas, Bungla.	Kuhar.			54				With No. 3.	B.	Admits having accompanied Bhoop this year.



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	Hcolas, son of Bhoosal.	Bunkuta in Pergunna Gonra.	Kuhar.	6, 7, 8, 9, 10, 23, 36, 38, 40, 41, 55		*	*	With No. 3.	B.	Clearly proved to have been with Mihrban last year, and described by witnesses as an opium eater.
161	Oree, son of Zorawur.	Nowabgunge in Pergunna Gonra.	Kuhar.	9, 43, 55				With No. 3.	B.	Admits having accompanied Bhoop this year, and it appears was with Mihrban last year.
162	Deena, son of Poorye.	Bunkuta in Pergunna Gonra.	Kuhar.	10, 52, 54, 55	37, 51			Apprehended at Soolerah. See witness 83.	A.	Was, it appears, with Mihrban last year; and admits having accompanied him this year.
163	Shunker, adopted son of Bhyro Gyawal.	Gya.	Mahoorree Bunea.					Apprehended in Gya.		Does not appear to have had any concern with the robbers, but to have followed them, thinking them Gya pilgrims.

1826.
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AN INDEX

TO

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- 1 The prisoners were charged with the murder of a Burkundaz; but it appearing that the deceased and another Burkundaz had in cold blood put to death a villager, whom they had seized on a criminal charge, after they had slain a person who had come to his rescue, and while they were under no reasonable apprehension, the Court directed that the prisoners should be discharged. Case of Hurdeo and others. 327
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- 1 Murder from jealousy. There being reason to believe, that an adulterous intercourse subsisted between the deceased and the prisoner's wife, capital sentence, under the circumstances of the case, was commuted to imprisonment for life. Kumlaput's case. 95



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- 2 Prisoner convicted of the murder of his wife by reason of her adultery. The Court, believing the alleged adultery, under all the circumstances of the case, sentenced him to imprisonment for life. *Nunda's case.* 167
- 3 To justify a man in killing his wife and her paramour, according to the Moohumudan law, it is not necessary that he should see them in the act of adultery; presumption of it arising from situation is sufficient. *Bhuja's case.* 171
- 4 The prisoner convicted of killing his wife by cutting her throat with a razor, (which he obtained from a house close by,) after she had been committing adultery with a stranger, but at a time when the homicide was not justifiable in law; sentenced to 7 years imprisonment. *Kalachand's case.* 235
- 5 The prisoner detected his wife in the act of adultery, and the next morning, on her attempting to justify her conduct, killed her in a fit of passion. Sentence, under all the circumstances of the case, imprisonment for life. *Mooktaram Ghose's case.* 237
- 6 The prisoner being charged with the murder of his brother's wife, and the presumption from the evidence being that he put her to death while in the act of adultery, capital punishment remitted, and sentence, imprisonment for life. *Bukshea Dhanook's case.* 419
- 7 According to the intent and spirit of Section 6, Regulation XVII. 1817, it is equally requisite, that in charges of adultery the husband should appear as the prosecutor, whether the person prosecuted be the adulterer or the adulteress. *Case of Panchoo and others.* 421
- See CONFESSION, No. 7, 16, 17. PUTWAS, No. 1. MOOHUMUDAN LAW, No. 1. MITIGATION, No. 11, 12. RAPE, No. 3.
- ADVOCATE GENERAL, (OPINION OF.)
See pp. 114, 119.
- AFFRAYS.
- 1 That a party engaged in an affray was not the aggressing party, is no ground for a remission of sentence; though the Nizamut Adawlut, in awarding punishment, may no doubt admit the circumstance to operate in mitigation. *Case of Umroodh Thakoor and others.* 339
- 2 A conviction of affray attended with homicide and wounding. Prisoners three and four, who inflicted wounds, and were most active in the affray, sentenced to imprisonment for ten years: one and two, as instigators and leaders in the affray, to imprisonment for seven years: and the remaining prisoners, who were engaged in the affray, to imprisonment for five years with labour. *Case of Bholanath Ghose and others.* 370
- 3 Conviction of affray, attended with the murder of a slave. The price of the slave declared to be due from the *Aukila* of the principal offender, and himself to be liable to *Accobut*, and the aiders and abettors to *Taseer*. *Case of Hussein Ali and others.* 381
- 4 Two individuals (youths), convicted of aiding in an affray, in which an *Havildar* was beaten, and subsequently died from the effect of the blows; sentenced to one year's imprisonment only, the affray having been produced by the misconduct of the sepoys. *Case of Sobhan Lushker and Manick Biswas.* 492
- AFFRAY WITH MURDER.
- 1 Conviction of affray and murder, in resistance of a civil process. Sentenced; one to imprisonment for life in the Allipore jail; three to imprisonment with labour for 14 years; and the remaining prisoner to imprisonment for seven years with labour. 387
- AGGRAVATION.
- 1 The prisoner convicted of a river Dacoity, unattended with aggravating circumstances, but sentenced to 39 *corahs*, and imprisonment in transportation for life, in consideration of his being a *Chowkedar*, and his having previously stolen the boat on which the Dacoity was committed. *Wuzeer's case.* 150
- APPEALS.
- 1 Section 5, Regulation III. 1821, construed as intended to limit the period of appeal merely as it relates to appellants, without restricting the discretionary authority of supervision possessed by the superior Courts; and the Nizamut Adawlut held, that it is not necessary for a Court of Circuit to furnish the Magistrate with a copy of the petition of appeal against his proceedings, though a copy of the order passed in appeal should be furnished. *Case of Himmud and Hergopal.* 221
- ASSAULT.
- See CORPORAL PUNISHMENT, No. 2.



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ASSAULT WITH INTENT TO KILL.

- 1 The prisoner, a Burkandaz, in a quarrel with the Darogha, fetched from his house a blunderbuss (not proved to have been loaded), with which he threatened to shoot him: sentenced for this offence to six months imprisonment, in addition to the period (nearly a year) during which he had been already confined. Togh Ali Khan's case. 402

ATTEMPT TO MURDER.

- 1 A sepoy on guard convicted of an attempt to assassinate (motive unknown) a Magistrate in the exercise of his duty, by presenting a musquet at his body, and, on its missing fire, endeavouring to draw his sword for the same purpose, sentenced to imprisonment for life in the Allipore jail. Buljeet Singh's case. 357

BAIGARS.

- 1 The prisoners pleading that they had quarrelled with the prosecutor about *baigars*, the Court directed that an enquiry and report should be made as to the acceptance of the term. Case of Chintamun and others. 97
- 2 Prisoner convicted of striking a person whom he wished to seize as a *baigar*, and who, in endeavouring to escape, fell into a well and was drowned. Sentence, five years imprisonment. Dowlut's case. 396
- 3 A sepoy, convicted of causing the death of a man whom he had seized as a *baigar*, by beating him with a stick and his fists: sentenced to three years imprisonment. Hurruk Singh's case. 469

BURGLARY.

- 1 The prisoner being charged with burglary and theft, the Court, with reference to all the circumstances of the case, convicted him of assault and outrage, and sentenced him to seven years imprisonment. Suleem's case. 333
- 2 A prisoner having been sentenced to 14 years imprisonment for the offence of burglary, with attempt to steal, unaccompanied by any aggravating circumstances, on the ground of his being a notoriously bad character, the Court of Nizamut Adawlut reduced the term to seven years, it not appearing that the prisoner, though of bad character, had ever been before convicted. Poorun's case. 400

CIRCULAR ORDERS.

See Note, p. 329.

CIVIL SURGEONS.

- 1 The circular order of the Court, dated 3d of August 1814, directing that the examination of the civil Surgeon relative to the real or assumed insanity of a prisoner should be taken on oath, is equally applicable to their depositions as to violent or unnatural deaths. Musst. Ludroun's case. 213

See EXAMINATION, No. 1. MUTE,
No. 2.

COMMITMENT.

- 1 Where one prisoner is committed to the Court of Circuit, all implicated in the same case should be committed also. 396
- 2 See Note in pp. 422, 423.
- 3 In a case of theft, attended by murder, the Magistrate committed one of the persons concerned, on the simple charge of theft, absolving him from participation in the murder; and in another case of theft, attended by burglary, committed on the same night, in which the same individual was concerned, he made no commitment, but appended his proceedings to the former case. The Court of Nizamut Adawlut, deeming these proceedings irregular, quashed them, and directed that the prisoner should be committed on the whole of the first and also on the second charge. The Circuit Judge was at the same time informed, that he should himself have quashed the commitment, with the concurrence of one of his colleagues at the sudder station. Ulahya's case. 457

COMMUTATION OF SENTENCE.

See ADULTERY, No. 1.

CONCEALMENT OF MURDER.

- 1 A wife's concealment of the murder of her husband, by her paramour, without however her participation or assistance, punished with seven years imprisonment. Case of Hazaree and Musst. Luchmee. 75

CONFESSION.

- 1 Prisoner convicted, on his own confession solely, of having killed his nephew, who had committed adultery with his wife. Sentenced to seven years imprisonment, as, though he confessed the act was premeditated, yet the means used were only two blows, with a moderate sized stick, and the meeting with the deceased was accidental. Poorun Doss's case. 32
- 2 It being proved on the trial of a prisoner charged with murder, that he had been

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- desired by the police officer to fear not, but to tell the truth : held that this is not sufficient to invalidate a confession made by him, and corroborated by circumstances. Huresingha's case. 33
- 3 Prisoner confessed at the Thana, that he killed with an arrow a man who had come to him for a debt, and who would neither let him eat nor drink. There being no other evidence, the capital punishment was remitted, in consideration of the provocation. Doctrine of circuit law officer overruled, that prisoner having subsequently stated before the Magistrate the death to have been accidental, such statement should be received, as being most favourable to the prisoner. Heeraram Cheith's case. 39
- 4 The depositions of two private individuals to the confession made before apprehension, and not reduced to writing, of a girl eleven years of age, held sufficient for her conviction by the Moohummudan law ; but rejected by the Nizamut Adawlut, especially with reference to the tender years of the prisoner. Mussumant Nunhya's case. 45
- 5 Case of conviction under the Moohummudan law of homicide by misadventure, and prisoner declared liable to *Deent*, but released by the Nizamut Adawlut ; his confession that he killed the deceased at night, mistaking him for a dog or jackall, being corroborated by the only witness in the case. Mohun Lounda's case. 67
- 6 It is not sufficient, under the Court's circular orders, that the confession of a prisoner should be verified before the Magistrate ; but it is necessary that the confession should be originally taken and written down in the presence of such officer or his European assistant. Case of Cashee Manjee and others. 70
- 7 Prisoner confessing that he killed his wife, not in the act of adultery, but on receiving abusive language, when begging her to desist from her criminal intercourse with another man ; capital punishment remitted, in consideration of the provocation. Sentence, imprisonment for life. Phoolchand's case. 79
- 8 Case of a woman tried for throwing herself and her two children into a river, where the latter were drowned. Her Thana confession being the chief evidence against her, and that containing an expression which might be construed to mean that she accidentally fell into the river, the Court held that she was entitled to the benefit of the favourable interpretation. Acquitted accordingly. Musst. Kurwya's case. 147
- 9 Prisoner found guilty of privity to Dacoity, on his own confession, by the *futwas*, but released by the Nizamut Adawlut, it appearing that he had been induced to confess by a promise of pardon from the *moharrir* of the Thana, and of being appointed a *burkundas*. Case of Netra and others. 166
- 10 The prisoner confessed the homicide of his brother, after having received a blow from him ; and the *futwa* therefore finds that the act was done in self-defence. There was no eye-witness ; but from other circumstances, independent of the confession, the Court inferring wilful murder, sentenced him to imprisonment for life. Runjeet's case. 183
- 11 It is irregular in a Judge of Circuit to enter into any examination of a prisoner as to his confession, beyond his simple avowal or denial of the same. Case of Shah Haree and others. 185
- 12 There being no evidence against a prisoner but his own confession, in which he admitted having killed his wife by repeated sword wounds, after she had wounded him, and his person exhibiting two wounds ; the Court, deeming his defence probable, sentenced him to five years imprisonment. Incha Kolee's case. 256
- 13 A confession made voluntarily before a police officer, not held to be invalidated by the fact of a former confession made to a person not being a police officer under promise of release, nor by the non-observance of the rule contained in clause 3, section 19, Regulation XX. 1817. Ekadussee Kande's case. 291
- 14 In the case of a confessing prisoner, it is requisite that the confession should be read and explained to the prisoner at the time of taking the answer " guilty or not guilty," and that the prisoner be then questioned, as to its authenticity or otherwise. It should also be read and explained to the subscribing witnesses. Musst. Souree's case. 351
- 15 A prisoner confessing that he killed his wife in the act of adultery ; there being no positive proof besides his confession, and the circumstantial evidence being rather in support of than against it, the Court directed his release. Chait Ram's case. 408
- 16 The only evidence against a prisoner being his own confession, that he killed the deceased while in the act of adultery with his (the prisoner's) wife : held that the confession should be taken altogether, and the prisoner released. Purshadooda's case. 456



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17 The prisoner, being apprehended on the charge of murdering his wife, confessed at the Thana having killed her in the act of adultery. The *futwa* of the law officers of the Nizamut Adawlut find the fact to be justifiable homicide; but the Court overruled this *futwa*, and sentenced the prisoner to perpetual imprisonment; he having denied his Thana confession, and pleaded ignorance as to the manner of his wife's death, both before the Magistrate and the Court of Circuit. *Moo-teea alias Gunga Dhohee's case.* 472

See EVIDENCE, No. 3. MISSING PERSONS, No. 2.

CONSTRUCTION.

- 1 Held by a majority of the Court of Nizamut Adawlut, that the proclamation prescribed in Regulation IX. 1808, does not apply to a case of robbery and murder, originating in a private feud, where plunder was not the primary object of the offenders; but held, nevertheless, that proclamation having been issued, the prisoners were entitled to the benefit of the old rule in the Regulation above cited, by which they were exempted from a capital sentence, and declared liable only to the penalty for contumacy. *Case of Partab, Mohra, and Sookhram.* 248
- 2 Held that the provision contained in clause 1, section 6, Regulation XVII. 1817, (which requires the law officer to declare only whether the prisoner is legally convicted,) is not applicable to a case of rape attended by robbery. *Poor-rye Lode's case.* 267
- 3 Held that the provisions of Regulation XVI. 1825, do not alter those of Regulation XV. 1814, by which the Court of Circuit is competent to reduce the punishment of prisoners convicted of two offences to fourteen years imprisonment. *Case of Kullooa and others.* 459

CONTUMACY.

- 1 It is essential to conviction on a trial for contumacy, that it be proved the proclamation was made by beat of drum at every Thana, within the Magistrate's jurisdiction; and in a trial for this offence, a *futwa* from the law officer is not requisite. Proclaimed persons having been tried on the charge of dacoity and murder, for which they were proclaimed, and not on the charge of contumacy, and the Court having ruled that they should have been tried on the latter charge first, it was determined, on their being acquitted of the charge of contumacy, that they

should be tried *de novo* on the charge of dacoity and murder. *Case of Akaloo and Goordial.* 87

See CONSTRUCTION, No. 1.

CORPORAL PUNISHMENT.

- 1 On conviction of wounding with intent to kill, held that to award stripes would be inconsistent with the order declaring corporal punishment generally inappropriate in cases of culpable homicide. *Luchmun Gear's case.* 269
- 2 In a case of assault attended by homicide and beating, the Judge of Circuit recommended that stripes should be inflicted; but the Nizamut Adawlut, deeming that punishment inappropriate, sentenced the prisoners to imprisonment only. *Case of Jeewun and others.* 323

CORRUPTION.

- 1 The prisoner was charged with the corrupt receipt of 1500 Rs. in having, while in the situation of *Kotwal*, by his private influence, procured the office of a *Darogha* for an individual on a bargain for the above sum. The receipt of part of the sum in question was established, and he was unable to prove on what account; but the prisoner was acquitted by the Nizamut Adawlut, the money having been paid long after his secession from office, and there being no sufficient proof of a corrupt agreement. *Khyrun Shah Khan's case.* 448

CRUELTY.

- 1 The prisoner convicted of blinding his wife with a hot iron; sentenced to fourteen years imprisonment with labour. *Pubareo's case.* 427

CULPABLE HOMICIDE.

See HOMICIDE, CULPABLE.

DACOITY.

- 1 Case of a gang of 163 persons of the *Shighalkhor* or *Budhek* cast, who issuing from their haunts in the jungles of the Oude territory, assumed the garb of a Raja and his retinue proceeding on a pilgrimage, entered the Company's territory, and attacked a boat laden with treasure, which they carried off, killing one man, and wounding ten, and having made good their retreat unsuspected, were proceeding, in the following year, on a similar expedition, when they were apprehended. Being tried for the above offences, the leader was sentenced to be hanged. Of his associates, 36 convicted of being accomplices in the above robbery, sen-



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- tented to receive 39 *corahs*, and to be imprisoned in transportation for life. Four convicted of privy to, and connivance in the said robbery, and of being professed Dacoits, to receive 30 *corahs*, and to be imprisoned in banishment for 14 years, and then to find security for good behaviour. 76 convicted of going forth to commit robbery, and of being professed Dacoits, to be imprisoned in banishment for 7 years, and then to furnish security. 15 convicted of going forth to commit robbery, to be imprisoned in banishment for 7 years. 31 (women) acquitted. The remaining prisoner, though convicted of having accompanied the robbers, was found to be insane, and ordered to the hospital. Case of Mhrban and others. 125
- See PRACTICE, No. 7. II. AGGRAVATION, No. 1. EVIDENCE, No. 12. PROMISES, No. 2. CONSTRUCTION, No. 3.
- DEFINITION.
- 1 Case of a gang of twenty men armed with clubs, who secretly effected an entry into a house, and afterwards maltreated the inmates; held that this is sufficient to constitute the crime of robbery by open violence, as defined in clause 1, section 3, Regulation LIII. 1803. Case of Oopashoo and others. 217
- See ROBBERY, No. 5.
- DEFLOWERING A YOUNG GIRL.
- 1 The prisoner (a youth) punished with fifteen stripes of the rattan, and six months imprisonment, on conviction of carnally knowing a girl, aged eight years; the consent of one so young being deemed immaterial. Lalooa's case. 452
- DHURNA.
- 1 Case of five prisoners (*Fakeers*) convicted of sitting *Dhurma*, and assisting in the suicide of one of their companions: sentenced, in consideration of their gross ignorance, and all the circumstances of the case, to five years imprisonment each. Case of Khuchury Shah and others. 409
- DRUNKENNESS.
- See HOMICIDE, CULPABLE, No. 10.
- EMBEZZLEMENT.
- 1 The prisoners convicted of converting to their own use the sum of 2500 rupees, belonging to Government: sentenced, the one to two, and the other to one year's imprisonment. Case of Rujub Ali and Pitumber. 277
- 2 A cash-keeper convicted of having removed a sum of money from the public treasure chest without authority, held to be guilty of a misdemeanour under the provisions of Regulation II. 1813: sentenced to one year's imprisonment in the civil jail, without labour or irons. Case of Goolab Rai and Sheo Pershad. 376
- 3 A Tahseeldar convicted of making unauthorized advances to individuals in balance for one year, and supplying the deficiency in the public accounts by sums paid as revenue for the succeeding year, held guilty of embezzlement, and sentenced to one year's imprisonment for that offence. Gholam Akhee's case, 463
- EUROPEAN.
- 1 The name of an European being indirectly introduced in a transaction for which a native is committed for trial, does not vitiate the trial under the circular orders of the 4th of Jan. 1811. Case of Gungaram and Imrut Lal. 73
- EVIDENCE.
- 1 The evidence of a witness on a trial varying from that which, according to the Thana report, he was there stated to have given; held that such variation is not sufficient to invalidate it. Kulloo's case. 17
- 2 The evidence of a convict having been taken, with a view to the conviction of a prisoner charged with participation in a Dacoity for which such convict had already been sentenced, the Court ruled that his evidence was wholly inadmissible. Jey Singh's case. 25
- 3 Five boatmen convicted of murdering the person in charge of the cargo, on the confession of one individual of the crew to that effect, and on their own confessions that they had sold the cargo and appropriated the proceeds. Sentenced to imprisonment in transportation for life. The body of the deceased not found. Case of Sunaoolah and others. 28
- 4 Prisoner confessed at the Thana, that he killed with an arrow a man who had come to him for a debt, and who would neither let him eat nor drink. There being no other evidence, the capital punishment was remitted, in consideration of the provocation. Doctrine of circuit law officer overruled, that prisoner having subsequently stated before the Magistrate the death to have been accidental, such statement should be received as being most favourable to the prisoner. Heeraram Cheith's case. 39

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- 5 The prisoner was charged with perjury in giving in a false schedule of his property, for the purpose of being admitted to sue as a pauper. Held that the recital of his having made oath, in the *roobukaree* of commitment, is not sufficient evidence of the fact, and that the recorded evidence of witnesses in a civil court is not sufficient proof in a criminal trial as to the real value of his property. Byjnath Singh's case. 64
- 6 The prisoner confessing a murder, and pointing out human bones which he alleged to be those of the person murdered; held by the Nizamut Adawlut, that this is not a sufficient finding of the body to warrant a capital sentence; the bones not admitting of identification. Chundwa's case. 82
- 7 Prisoner declared guilty by the *futwa* of murder by poisoning. The Court of Nizamut Adawlut do not concur in the conviction, the only evidence of the murder being an alleged village confession, and the body of the missing person not having been found; but it being proved that the missing person was seen last in the prisoner's company, he was sentenced to be imprisoned for life, or until the missing person should appear, or his existence subsequently to his parting with the prisoner be ascertained. Chaitoo Telee's case. 84
- 8 In a case of confession of murder, and a corpse being found, admitted by the prisoner to be that of the person murdered, the Court did not deem the absence of proof as to its identity to be sufficient to bar a capital sentence. Jeorakhun's case. 104
- 9 The Court observed, that a wife should not be called upon to give evidence against her husband, except in a case of urgent necessity. Lurrye Chung's case. 149
- 10 The prisoner was declared by the *futwa* convicted of murder on strong circumstantial evidence; but, it being considered insufficient for his conviction by the Nizamut Adawlut, he was acquitted and released. Sallemooddeen's case. 158
- 11 Of two prisoners tried for murder, the first stated that the deceased was killed when in the act of theft, in company with himself and the second prisoner; the second prisoner denied this, and accused the first of having in his presence murdered the deceased. The Court, crediting the first statement, directed the discharge of the prisoners. Case of Koo-sha and Ashruf. 163
- 12 Two prisoners convicted by the *futwa* of Dacoity, on the direct evidence of the person robbed and his wife to recognition. But this testimony rejected by the Nizamut Adawlut, being unsupported by circumstantial evidence, and otherwise open to suspicion. Case of Ishree Tew-aree and Omrao Singh. 165
- 13 A prisoner's Thana confession (not borne out by the evidence on record) that he had two other associates in a case of highway robbery, is not sufficient evidence of a "gang," so as to bring the case within the rule of section 3, Regulation LIII. 1803. Case of Lal Singh and Khewanee. 172
- 14 The prisoner was charged with having murdered his wife four years before. On being apprehended, he denied being the husband of the deceased, and assumed a feigned name. Sentenced to perpetual imprisonment, on conviction of the charge from circumstantial evidence, and proof of his identity. Jowahir alias Panchum's case. 175
- 15 The prisoner confessed the homicide of his brother, after having received a blow from him; and the *futwa* therefore finds that the act was done in self-defence. There was no eye-witness; but, from other circumstances, independent of the confession, the Court, inferring wilful murder, sentenced him to imprisonment for life. Runjeet's case. 183
- 16 Prisoner acquitted of the charge of murdering his concubine, in spite of strong suspicion against him arising from circumstantial evidence. Amana Ally's case. 194
- 17 In a case of wounding, the *futwa* declared the prisoner not convicted, by reason of there being only one witness (besides the prosecutor) to the charge. The Court, seeing no reason to discredit the evidence, superseded the *futwa*, under section 4, Regulation XVII. 1817, and sentenced the prisoner to seven years imprisonment. Chundeedeem's case. 239
- 18 In a trial for murder, the circumstantial evidence consisting of enmity between the prisoner and the deceased, threats used by the prisoner, and concealment of and denial that he possessed any weapon, the proof was held insufficient to convict. Case of Adheen Singh and others. 271
- 19 The prisoner being arraigned on a charge of murder, was acquitted and released; the circumstantial evidence against him amounting to suspicion, but not to presumption of his guilt. Kish-en Das's case. 318
- 20 In a case of extortion, the law officers held that those who contributed to the



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- extortioner's demands could not be admitted as witnesses; they being, in point of fact, plaintiffs in the cause; but the Nizamut Adawlut overruled this doctrine. Moomtaz Ali's case. 341
- 21 The prisoner (a person of respectable connexions and easy circumstances) being charged with the murder of a boy for the sake of his ornaments, the Court, deeming the motive assigned and the circumstantial evidence adduced insufficient for his conviction, directed his release. Panchkouree Rai's case. 345
- 22 The corpse of the prisoner's wife having been found with marks of strangulation and other violence, the prisoner stated that she had hung herself. On her disappearance, he stated, that she had run away; but the circumstantial evidence not being sufficient to bring home the charge of murder to the prisoner, he was released by order of the Nizamut Adawlut. Ramchurn Guraun's case. 350
- 23 It is no sufficient reason for rejecting evidence to the defence, that the witnesses named by the prisoner had been accused before the Magistrate of participating in the offence charged, but released by that officer. Rampershad Soorkul's case. 413
- 24 The only direct evidence against a prisoner charged with rape being that of the ravished girl, who was too young to be sworn, the Court directed the release of the prisoner. Leela Gwalla's case. 415
- 25 The fact of filing a forged deed in a court of justice by the person interested in establishing its contents, affords sufficient presumption that he uttered it knowing it to be forged. Bukhtawur's case. 454
- 26 The body of the prosecutor's wife was found hanging to a beam, inside her house, in the middle of the day, with evident marks of her having been strangled and ravished. The only evidence against the prisoner being that he was seen running from the house shortly before, in a state of agitation; held that this was insufficient for his conviction. Abhursa's case. 460
- See MINORITY, No. 1. PRACTICE, No. 4. CONFESSION, No. 12. SUBORNATION OF PERJURY, No. 1.
- EXAMINATION.
- 1 The circular order of the Court dated the 3d of August 1824, directing that the examination of the civil Surgeon relative to the real or assumed insanity of a prisoner should be taken on oath, is equally applicable to their depositions as to violent or unnatural deaths. *Musst. Ludroun's case.* 213
- EXTORTION.
- 1 In a case of extortion, the law officers held that those who contributed to the extortioner's demands could not be admitted as witnesses; they being, in point of fact, plaintiffs in the cause; but the Nizamut Adawlut overruled this doctrine. Moomtaz Ali's case. 341
- FINES.
- 1 Held that the Court of Nizamut Adawlut are competent to impose fines to an indefinite amount, commutable to a limited period of imprisonment. Case of Gungagobind Bunhoojea and others. 304
- FORGERY.
- 1 To the offence of fabrication, punishable under Regulation XVII. of 1817, no writing is necessary. It is sufficient that the seal be forged, though the paper is blank. Case of Jyechund and others. 3
- 2 To antedate and postdate deeds being a common practice among the natives, the Court did not admit this fact to be evidence of forgery. Ramkunhai's case. 36
- 3 Prisoner having lent the sum of 51 rupees to a person since deceased, (whose bond he held on plain paper, bearing interest at the rate of 24 per cent. per annum,) forged and filed a stamped bond for the same amount, at 12 per cent. Held that this is an act of forgery not deserving of less than three years imprisonment. Chunder Deen Havildar's case. 95
- 4 The Mohurrir of a Thana, with a view to screen himself from the charge of having deputed a Burkundaz only to enquire into a case of theft, falsified the Magistrate's record, to make it appear that the Jemadar had been deputed in another case. Held that this is forgery, but of the lightest description. Sentence, six months imprisonment. Bhungee Lal's case. 99
- 5 To a conviction of forgery it is not necessary that the coins forged should be of base metal, or that the imitation should be of a coin being a legal tender of payment; provided it be current among the natives themselves. Case of Phudalee and Harbuns. 177
- 6 A prisoner convicted of preparing an earthen mould, with a view to forgery of copper coin, sentenced to two years imprisonment. Case of Aratoon and others. 186
- 7 Altering a common receipt for rent, so as to make it appear like a receipt for



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- money due under a decree of Court, and uttering the same, punished by seven years imprisonment. Case of Nuwazee and Kurreembuksh. 210
- 8 Prisoner convicted of having personated a Dewanny Chupprassy, and of having, with others, arrested the prosecutor by means of a forged summons. Sentenced, under the provisions of section 9, Regulation XVII. 1817, to imprisonment for three years. Andaroo's case. 354
- 9 Fabricating seals, and affixing them to plain papers for future use, with a fraudulent intent, held to amount to forgery. The first prisoner, convicted of fabricating such seals, and selling plain papers to which the said seals were affixed, sentenced to *Tushheer*, and seven years imprisonment with labour. 2d, 3d, 4th, convicted of privy to and concealment of the said criminal practices, sentenced to imprisonment for two years with labour. Case of Hunooman and others. 405
- 10 A Vakeel being in three cases convicted of altering or causing to be altered the value of a number of stamp papers, sentenced to be exposed by *Tushheer*, and to be imprisoned for ten years. Case of Bhondoo Lal and others. 466

See EVIDENCE, No. 25.

FORNICATION.

- 1 To slay fornicators detected in the act is allowable, according to the Moohummudan law, and a prisoner confessing he had killed his sister and her paramour under these circumstances, acquitted and released by the Nizamut Adawlut. Ghulam Mullik's case. 48

FUTWAS.

- 1 A sentence of *Kissas* or retaliation against a prisoner tried for the murder of his wife is not legally barred by suspicion of her adultery; and a law officer who had given a *futwa* to that effect advised accordingly; though in awarding sentence, proved adultery may doubtless be taken into consideration by the Nizamut Adawlut. Abdoollah's case. 100
- 2 A law officer having declared in his *futwa*, as a ground for the acquittal of a prisoner, that he might have concealed his knowledge of a Dacoity from fear, and that it was inexpedient to punish him lest it should deter other offenders from giving information, the Court held that he had exceeded his duty, and that he should not have referred to matters having no connexion with Moohummudan law. Case of Anwar and others. 142

- 3 Prisoner convicted of wounding his wife in a fit of anger, of which wounds she died three months afterwards. *Kissas* declared to be barred by the *futwa* on a doubt as to the proximate cause of her death. But the Court, having no doubt that the death was caused by the wounding, sentenced the prisoner to confinement for life. Pukharee's case. 178

- 4 See Note, p. 192.

- 5 Held that a capital sentence may be passed under Regulation IV. of 1822, in spite of a *futwa* of *Deout*. In this case the law officers gave a second *futwa*, declaring the prisoner liable to death by *Seasut* on conviction of *Shibha-i-umid*: and the prisoner was hanged under the peculiar circumstances of the case, though the corpse of the deceased was not found. Babooa Nutt's case. 257

- 6 The *futwa* of the law officer of a Court of Circuit reciting that the evidence of women alone is insufficient to prove a criminal charge, the judge referred the case; but the Court of Nizamut Adawlut acquitted, on the ground that, to prove a charge of receiving stolen property, it must be established that the receiver knew it was stolen at the time of his receipt of it. Case of Ikram and others. 325

- 7 The *futwa* of the law officer of a Court of Circuit having declared certain prisoners (convicts imprisoned for life) tried for assault and wounding, liable to *Tazzeer* as well as *Hookoomut-i-udl*: held that the 6th section of Regulation IV. 1822, does not preclude the Judge of Circuit from awarding corporal punishment under clause 7, section 2, Regulation LIII. 1803. Case of Deen Ali Shah and others. 362

- 8 Under the Moohummudan law, a *futwa* of death by *Seasut* cannot be given except for murder, though some authorities recognize, in abstract terms, the right of the ruling power to extirpate evil doers generally. Chundoo Kandoo's case. 418

See EVIDENCE, No. 17. MOOHUMMUDAN LAW, No. 2. PRACTICE, No. 8, 14.

GANG ROBBERY.

- 1 A prisoner's Thana confession (not borne out by the evidence on record) that he had two other associates in a case of highway robbery, is not sufficient evidence of a "gang," so as to bring the case within the rule of section 3, Regulation LIII. 1803. Case of Lal Singh and Khewanee. 172

See DACOITY.



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HOMICIDE, CULPABLE.

- 1 The prisoner having been struck by the deceased with a club, went home (ashort distance) for his sword, and meeting with the deceased, who was returning home, killed him with the sword. Held that this was culpable homicide, and punished by five years imprisonment. Than Singh's case. 107
- 2 The prisoner, who was bedridden from rheumatism, threw a stool at his wife, in consequence of her abusing him, which killed her. Sentenced to five years imprisonment, for culpable homicide. Khoosroo's case. 155
- 3 Prisoner having struck the deceased a blow with a club in the passion of the moment, without previous enmity, in a quarrel about a *pooja*, the law officers convicted him of wilful murder, but the Court viewed it as a case of culpable homicide only. Soodun Moonda's case. 187
- 4 Case of a Choukeedar convicted of culpable homicide, by using unnecessary severity towards a man whom he found in his master's house at night: sentence, three years imprisonment. Case of Purshun and Radhe. 262
- 5 A Zemindar (the deceased) required the services of his tenants (the prisoners), when they abused him, and he holding up his shoe as if to strike them, they committed an assault upon him, which occasioned his death. Held that this amounted to culpable homicide, punishable by five years imprisonment; chiefly with reference to the relative situations in life of the parties. Case of Mungta and Sair. 268
- 6 The prisoner ascended his neighbour's mango tree, and began to eat his fruit; and on being abused by the owner, immediately came down, and with three blows of his *kodalee*, or hoe, killed that person. At the recommendation of the Judge of Circuit, and under all the circumstances, capital punishment remitted, and sentence imprisonment for life. Bocha's case. 301
- 7 Prisoner convicted of culpable homicide, by inflicting a blow with a club on the head of a person with whom his master was struggling: sentenced to five years imprisonment. Pershaud's case. 307
- 8 Conviction of killing a thief with a club, no resistance having been made on his part, and no effort to seize him having been made by the prisoner: sentence, one year's imprisonment. Allah Buksh's case. 322

- 9 Prisoner convicted of beating a person (who trespassed on his field) so violently as to occasion his death: sentenced, under all the circumstances of the case, to two years imprisonment. Hoolasa's case. 423
- 10 The prisoner, in a drunken quarrel with the deceased, received a blow from him, and in consequence inflicted a wound on his groin with a knife, which caused his death: sentenced, under all the circumstances of the case, to five years imprisonment. Durreona's case. 453
- 11 Two Burkundazes convicted of killing a thief by repeated sword wounds, when the homicide was not necessary to his seizure or custody; sentenced to two years imprisonment. Case of Anzum Khan and others. 461

See AFFRAY, No. 2, 3. CONFESSION, No. 1. CORPORAL PUNISHMENT, No. 1, 2.

HUMAN SACRIFICE.

- 1 Three prisoners, inhabitants of the Jeyntea territory, convicted of having, at the instigation of the brother-in-law of the king of that country, forcibly seized a boy in the British territory for the purpose of offering him up as a sacrifice to the Hindoo idol *Kalee*. Sentenced to 14 years imprisonment with labour in banishment. Bukhtear and others. 108

See SUTTEE.

IDENTITY.

See EVIDENCE, No. 6, 8, 14.

INFANTICIDE.

- 1 The offence of abandoning her newborn child by its mother in a jungle, which caused the death of the child, punished by perpetual imprisonment. Bowul Bewah's case. 220

See MURDER, No. 16.

INSANITY.

- 1 Prisoner convicted of murdering a boy for the sake of his ornaments; but appearing to be insane at the time of his trial, he was ordered into confinement, with instructions that, on the recovery of his reason, the evidence taken against him should be explained to him, his defence taken, and the law officers called on for a second *futwa*. Zora's case. 12
- 2 Prisoner charged with the murder of his father. The Court of Nizamut Adawlut



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- were satisfied of his insanity, but the *fut-wa* of their law officers declaring the evidence taken before the Court of Circuit insufficient to establish the act charged, the Court ordered further evidence to be taken as to this point, not with a view to his conviction of any offence, but with reference to any order of detention it might be necessary to issue. Lal Khan's case. 68
- 3 In a case of supervenient insanity after the commission of a murder perpetrated by the prisoner while sane, the Court did not think fit to apply the rule contained in Regulation IV. 1822, the offence having been committed long prior to that enactment, but deeming the prisoner unfit to be set at liberty, directed his detention, until on its being certified that he might be released without danger, they should issue further orders regarding him. Oodit Agurdanee's case. 189
- 4 Case of a prisoner convicted of beating a girl on the head with a stone, which caused her death; no malice being proved or probable cause assigned, and the prisoner becoming mad shortly afterwards, the Court attributed the act to insanity. Lakhun Manjhee's case. 260
- 5 Under the Court's circular order dated the 8th of May 1820, it is not necessary to refer the cases of insane persons charged with murder, where the fact of the killing may not be proved. Goolaboo's case. 383

See CONFESSION, No. 4.

INTENT TO ROB OR MURDER.

See ROBBERY, No. 3.

JURISDICTION.

- 1 The offence of Dacoity taking place within the British territory, and part of the property plundered being found in the prisoner's house, out of the British territory, this was not considered sufficient proof of receipt within the British jurisdiction. Case of Jumai and others. 80
- 2 A person born in wedlock at Madras, his father being a German, and his mother a Scotchwoman, declared by the Advocate General to be a British subject, and amenable only to the Supreme Court; but ruled that the *onus probandi* as to his birth rests on the prisoner. Case of Robert Frederick Charles Mandeville, alias Robert Frazer, alias Fergusson. 111
- 3 A prisoner being charged with enticing away a boy, and robbing and attempting

to strangle him; held that the robbery and attempt to strangle having occurred in Tirhoot, the trial should take place in that district, and not in the district of Behar, out of which the boy was enticed. Khekhur's case. 205

- 4 The crime with which the prisoners were charged, having been committed in an independent territory, and the authority for the trial of the prisoners required by Regulation V. 1809, not having been previously obtained, the trial was held to be illegal, and annulled, and the Magistrate ordered to apply for permission to commit the prisoners for retrial at the next ensuing sessions. The Court did not think proper to order the recommitment of some of the prisoners, against whom there appeared to be no sufficient evidence, and who, had the trial been legal, would have been regularly acquitted and released. Case of Umra Lodh and others. 393

KIDNAPPING.

- 1 Prisoners charged with kidnapping a child, of whom no trace could since be discovered, declared liable by the law officers to imprisonment until they restored the missing girl; but sentenced by the Nizamut Adawlut to a definite period of imprisonment, there being no reason to suppose that the girl had been murdered. Case of Musst. Munna and others. 66
- 2 A prisoner being charged with enticing away a boy, and robbing and attempting to strangle him; held that the robbery and attempt to strangle having occurred in Tirhoot, the trial should take place in that district, and not in the district of Behar, out of which the boy was enticed. Khekhur's case. 205
- 3 On conviction of child stealing, the Court awarded seven years imprisonment, the last three years, however, to be remitted, in case the prisoner should make such a discovery as might lead to the restoration of the missing child. Musst. Hichnee's case. 308
- 4 In a case of child stealing, it is competent to a Judge of Circuit to pass a definite sentence of four years imprisonment, and an eventual one of three in addition, should the child be not forthcoming, the whole term not exceeding seven years. Dursun's case. 447

See HUMAN SACRIFICE, No. 1.

LEPERS.

See SUICIDE, No. 1.



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MASSACRE.

- 1 Case the of massacre of a whole family from motives of revenge : of twenty-three prisoners, tried for the crime, four sentenced capitally, fourteen to imprisonment for life in the Allipore jail, four to fourteen years imprisonment in banishment, and one acquitted. Case of Deokea and others. 58
- 2 Case of the massacre of thirty-three individuals from motives of revenge. Three prisoners convicted of having been present aiding and abetting at the massacre, sentenced to imprisonment for life. Capital punishment not awarded; the evidence not being sufficiently distinct of their being actively engaged in the actual perpetration of it. Case of Khame and others. 173

MINORITY.

- 1 The principal evidence against the prisoner, a boy of 12 or 13 years of age, being furnished by his own voluntary confession, that evidence declared by the law officers to be insufficient for his condemnation, by reason of his non-age : but this doctrine overruled by the Court, and the prisoner declared to be fully convicted ; and there appearing no other circumstance in his favour than his minority to render him a proper object of mercy, and it being proved that he was *doli capax* when he committed the crime, sentence awarded of imprisonment and transportation for life. Sudasookh's case. 2
 - 2 The law officers of the Nizamut Adawlut acquitted the prisoner, in consequence of the *Ibra* of the prosecutor, and her non-age. The Court did not concur in the *fatwa*, but judged themselves incompetent to punish. The wilful act of a person supposed to be in her non-age is, in *Mohummudan* law, considered accidental. Jye Munnee's case. 29
 - 3 The minority of a witness is not sufficient to preclude him from being sworn, provided he have a competent sense of the nature of an oath. Hatim Ali's case. 85
 - 4 Case of a boy aged fourteen, murdering a boy aged twelve, for the sake of his ornaments. Sentence, imprisonment for life. Hunsnath's case. 471
- See MITIGATION OF PUNISHMENT, No. 4.

MISSING PERSONS.

- 1 Prisoners convicted of theft, and of having made away with the woman to whom the property belonged, under circumstances exciting a strong suspicion that

they had murdered her. Sentenced to a specific term of four years imprisonment, and further to be confined until certain tidings of the missing woman should be obtained. Case of Peerkhan and others. 46

- 2 Prisoner declared guilty by the *fatwa* of murder by poisoning. The Court of Nizamut Adawlut do not concur in the conviction, the only evidence of the murder being an alleged village confession, and the body of the missing person not having been found ; but it being proved that the missing person was seen last in the prisoner's company, he was sentenced to be imprisoned for life, or until the missing person should appear, or his existence subsequently to his parting with the prisoner be ascertained. Chaitoo Talee's case. 84
- 3 Conviction of beating a missing person : but the Court not being satisfied that the injury received by the missing person was of such a nature as to occasion death : sentence, under the circumstances of the case, one year's imprisonment. Case of Mohun and Luchmun. 305
- 4 The prisoners being charged with making away with two individuals, who with their property had embarked on the prisoners boat, and had not been heard of since last seen in the prisoners company, pleaded that the missing persons had parted with them of their own accord. Although they had no evidence to their defence, the Court of Nizamut Adawlut did not deem the proof sufficient for their conviction, and they were acquitted. Case of Mahomed Hossein and others. 336

MITIGATION OF PUNISHMENT.

- 1 The prisoner convicted of highway robbery attended with wounding : but sentence mitigated to 14 years imprisonment, in consideration of his youth, the severe wounds he received in his attempt to commit the crime, and because the act proved against him appeared to have been his first offence. Bukhshee's case. 1
- 2 Sentence, on conviction of highway robbery, mitigated ; the prisoners not appearing to be old offenders, and being in a state of ebriety at the time. Myya and Bhoozun Pasban's case. 24
- 3 Charge of murder by a blow with a *Kool-haree*. It appearing that the deceased had been educated by the prisoner, to whom he was not related, and that the blow was struck on sudden provocation, without any premeditation or malice, sentence restricted to twelve months imprisonment. Phekoo Khan's case. 106



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- 4 A prisoner convicted of murder, calling himself 14 years of age, and reported by the Circuit Judge to appear not more than sixteen, sentenced to perpetual imprisonment. Khealeeram's case. 145
- 5 The prisoner killed his wife, and afterwards attempted to commit suicide, under a strong feeling of shame and disgrace at loss of caste, occasioned by an imputation of incest attaching to the deceased. Sentenced, under all the circumstances of the case, to imprisonment for life. Phuldar's case. 160
- 6 Prisoner convicted of the murder of his wife by reason of her adultery. The Court, believing the alleged adultery, under all the circumstances of the case, sentenced him to imprisonment for life. Nunda's case. 167
- 7 On a conviction of murder, capital sentence remitted, in consideration of the prisoner's being irritated by the deceased calling him a thief. Churua Das's case. 193
- 8 Prisoner convicted of murder, in revenge of the supposed exercise of witchcraft by the deceased; imprisoned for life. Capital sentence remitted, in consideration of all the circumstances of the case, and the uncivilized part of the country (Kumaon) in which the crime was committed. Keshwa Dome's case. 196
- 9 Prisoner, aged sixteen years, convicted of theft, attended (without the privy and intent of the prisoner) with murder; sentenced, under all the circumstances of the case, to 30 rattans and seven years imprisonment. Shuhamut Khan's case. 331
- 10 The prisoner, in a sudden fit of passion, threw her young child into a well, by which it was drowned. In consideration of the suddenness of the act, and the absence of all malice: sentence, ten years imprisonment. Musst. Bhugteen's case. 375
- 11 In a trial for murder, it being proved that the deceased had entered the house of the prisoners' relation with an adulterous intent, and was beaten to death by them with sticks; and it not being clear that their purpose was to kill: sentenced, under all the circumstances, to five years imprisonment. Case of Pingwa and others. 395
- 12 The prisoner being convicted of murdering his wife and a procuress, and wounding a servant maid who aided her in an adulterous intercourse; also of wounding two men with whom she had committed adultery; capital punishment remitted on the ground of the provoca-

tion, and sentence, under the circumstances of the case, imprisonment for life. Putchkoury's case. 397

- 13 Case of five prisoners (*Faheers*) convicted of sitting *Dhurna*, and assisting in the suicide of one of their companions: sentenced, in consideration of their gross ignorance, and all the circumstances of the case, to five years imprisonment each. Khuchury Shah and others. 409
- 14 Case of a prisoner convicted of the murder of his wife, under feelings of shame, excited by the violation of her person: sentenced, under all the circumstances, to imprisonment for life. Case of Mokhoor Ruffoogur and Bhekaree Singh. 411
- 15 The prisoner being charged with the murder of his brother's wife, and the presumption from the evidence being that he put her to death while in the act of adultery, capital punishment remitted, and sentence, imprisonment for life. Bakshea Dhanook's case. 419

See ADULTERY, No. 4, 5. AFFRAY, No. 1. HOMICIDE, CULPABLE, No. 6. MURDER, No. 2.

MOOHUMMUDAN LAW.

- 1 By the Moohummudan criminal law, persons who harbour adulterers are punishable by *Acorbut*. Case of Ramsoon-dur and others. 42
- 2 The prisoner was convicted of the murder of her infant bastard child. By the *fatwa*, *Kissas* was declared to be barred, and *Deout* only to be incurred, by reason of the maternal relationship. The Court held, that this was a personal distinction inconsistent with equal justice, and provided against by section 2, Regulation VIII. 1799. Sentence, imprisonment for life. Musst. Boondea's case. 161
- 3 To justify a man in killing his wife and her paramour, according to the Moohummudan law, it is not necessary that he should see them in the act of adultery; presumption of it arising from situation is sufficient. Bhuja's case. 171
- 4 See note, p. 192.
- 5 Under the Moohummudan law, a *fatwa* of death by *Seasut* cannot be given except for murder, though some authorities recognize, in abstract terms, the right of the ruling power to extirpate evil doers generally. Chundoo Kandoo's case. 418

See CONFESSION, No. 4. FORNICATION, No. 1. PUTWAS, No. 2. MINORITY, No. 2. MOTIVE.

- 1 A prisoner convicted of murder, and sentenced to suffer death, though no malice



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- or other adequate motive for the homicide directly appeared on trial. Khodabuksh's case. 254
- 2 The prisoner having suddenly killed his infant nephew, without any apparent malice or motive, the Nizamut Adawlut sentenced him to be hanged; there being no proof of insanity. Khedoobund's case. 344

See INSANITY, No. 4.

MURDER.

- 1 A boy aged fifteen, convicted of murdering another boy for the sake of his ornaments: sentenced to ten years imprisonment. Dumree Dosadh's case. 20
- 2 A woman enraged at some trifling quarrel with her husband, murdered her own child, by cutting its throat with a knife, and then attempted her own life. Sentenced capitally; notwithstanding mitigation suggested by Judge of Circuit, on the ground of her being in a state of temporary frenzy. Musst. Burrace's case. 27
- 3 Prisoner convicted of throwing herself and her two infant children into a well in a fit of anger, by which the younger was killed; sentenced to imprisonment for life. Musst. Runkoo's case. 55
- 4 A Burkundaz convicted of murdering his pregnant wife, by sword and spear wounds. Sentenced to be hanged. Chand Khan's case. 102
- 5 A Sepoy convicted of murdering a Havildar of his corps in prosecution of theft. Sentenced to be hanged. Jowahir's case. 103
- 6 Case of a woman killing her own infant in a fit of passion by cutting its throat, and afterwards attempting to commit suicide: *fatwa Deout*, sentence death. Musst. Munjoo's case. 146
- 7 Case of a prisoner who murdered his concubine in a fit of passion, and afterwards took her ornaments: sentenced to imprisonment for life; though the conviction was not for murder in prosecution of robbery. Luchmun Rajpoot's case. 200
- 8 Three prisoners, convicted of concerting and perpetrating a murder from motives of enmity, sentenced to be hanged; a fourth, for the same offence, to imprisonment with hard labour for life; a fifth, for being privy to the same, to imprisonment for seven years; and a sixth, for being privy after the fact, to three years imprisonment. Case of Sheikh Mogul and others. 293
- 9 Six prisoners convicted of burning alive a woman from motives of revenge at be-

- ing ousted by a decree of court. One (her husband) sentenced to imprisonment for life, and the rest to seven years imprisonment. The Judge of Circuit having declined to put the seventh prisoner on his defence on account of his youth, the Court ruled that this proceeding was irregular. Case of Chitram and others. 310
- 10 The prisoners were charged with the murder of a Burkundaz; but it appearing that the deceased and another Burkundaz had in cold blood put to death a villager, whom they had seized on a criminal charge, after they had slain a person who had come to his rescue, and while they were under no reasonable apprehension, the Court directed that the prisoners should be discharged. Case of Hurdeo and others. 327
- 11 Prisoner, aged sixteen years, convicted of theft, attended (without the privy and intent of the prisoner) with murder; sentenced, under all the circumstances of the case, to 30 rattans and seven years imprisonment. Shuhamut Khan's case. 331
- 12 The prisoner (a Sepoy) being convicted of shooting among a crowd, whereby a boy was killed, sentenced, under the circumstances of the case, to five years imprisonment. Khadooram's case. 334
- 13 Prisoner convicted of perpetrating a malicious murder by means of a heavy bamboo, sentenced to suffer death; though the act did not appear to have been premeditated, and the instrument was lying close by him at the time the murder was perpetrated. Sumoot Singh's case. 342
- 14 Case of a prisoner, murdering his own daughter from revenge against his son-in-law. Sentence, death. Rubbeeoolah's case. 355
- 15 Prisoners convicted of secretly getting possession of a girl aged eight years, and deserting her in a manner which caused her death: sentenced to imprisonment for life. Case of Hoolasee and Musst. Munooa. 389
- 16 The prisoner (a Brahmin) sentenced to be hanged, being convicted of the murder of his infant child by dashing it three times on the ground in a fit of anger, occasioned by a dispute about land. Tulloo Tewaree's case. 446
- 17 Case of murder tried at Nottingham. See notes, pp. 475, 476.
- 18 The prisoner killed, by repeated blows of a club, a man who was in the act of violating his brother's wife: sentenced to one year's imprisonment, the homicide



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- not being necessary to the prevention of the act. Chetta's case. 491
- See ABORTION, PROCURING, No. 1. ACCESSARY, No. 1. ACCOMPLICE, No. 1. ADULTERY, Nos. 2, 4, 5. AFFRAY, No. 4. BAIGARS, No. 2, 3. CONFESSION, Nos. 5, 10, 12, 13, 14, 15, 17. CONSTRUCTION, No. 1. CIVIL SURGEON, No. 1. EVIDENCE, Nos. 6, 8, 10, 11, 14, 16, 18, 19, 21, 22, 26. FUTWA, Nos. 3, 5. HOMICIDE, CULPABLE, Nos. 2, 3, 4, 5, 6, 7, 8. INSANITY, Nos. 1, 2, 3, 4, 5. JURISDICTION, No. 4. MISSING PERSONS, Nos. 1, 2, 3, 4. MITIGATION OF PUNISHMENT, Nos. 3, 4, 5, 7, 10, 11, 14. MINORITY, No. 1, 4. MOTIVE, Nos. 1, 2. MUTE, No. 1. PARDON, No. 1. POISONING, Nos. 2, 4, 5. PRACTICE, Nos. 2, 9, 11, 19, 22, 24. PROMISE, No. 1. PROSECUTORS, No. 1. REGULATIONS, No. 2. SUTTEE, Nos. 1, 3, 4, 5. TRANSPORTATION, No. 1. TORTURE, No. 1. WITCHCRAFT, Nos. 1, 2, 3.

MUTE.

- 1 A prisoner standing mute, was convicted of wilful murder; but *Kissas* was declared barred by a slight suspicion of mental derangement, and *Deout* incurred. The Nizamut Adawlut, considering the prisoner mute from obstinacy, sentenced him to imprisonment for life. Radhakant Chung's case. 365
- 2 In the case of a prisoner standing mute, it is not sufficient, under the Court's circular order, dated August 3d, 1814, that the deposition of the Assistant Surgeon be taken as to his sanity, or otherwise, but he should be examined specifically as to the cause of his standing mute. Case of Khandharee and Ajeeta. 416

OATHS.

See WITNESSES, No. 1.

PARDON.

- 1 It is not competent to a Magistrate to commit individuals to take their trial for whom he had obtained a conditional pardon from the Nizamut Adawlut, without reference to that Court; and being so committed, the Judge of Circuit is competent to renew the offer of pardon. Case of Urjoon Biswal and others. 289

PERJURY.

- 1 The prisoner was charged with perjury in giving in a false schedule of his property, for the purpose of being admitted to sue as a pauper. Held that the recital of his having made oath, in the *roobukhar* of commitment, is not sufficient evidence of the fact, and that the re-

- corded evidence of witnesses in a civil court is not sufficient proof in a criminal trial as to the real value of his property. Byjnath Singh's case. 64
- 2 A false deposition taken by the *Omla* of a Magistrate, not in presence of the Magistrate or of his assistant, held to be not punishable under the Regulations. Bhola Ghazee's case. 154
 - 3 The confession of a prisoner that he swore falsely is sufficient evidence for conviction of perjury, provided circumstances indicate the falsehood of the deposition charged to be false. Khooman's case. 163
 - 4 A deposition wrongly taken on oath by a Magistrate, not allowed, as such, to affect the prisoner. Acquittal of perjury, under the circumstances. Gungabishen's case. 180
 - 5 False evidence taken before the *Serishtadar* of a civil Court on oath administered by such officer, is punishable as the crime of perjury, supposing it material to the issue. Moohummud Ewuz's case. 202
 - 6 The prisoner personated another, and swore falsely that he was present at an affray. It appearing that his sole motive was to oblige the individual whom he personated, he was sentenced to three months imprisonment. Mahommed Alee's case. 204
 - 7 The prisoner having admitted before the Moulovee, that he had perjured himself in the Court of the Register, was sent by the Moulovee to the Magistrate, and therefore committed by the latter officer to stand his trial for perjury. Held that this proceeding was irregular, and that the commitment should have been made at the instance of the Court in which the perjury was committed. Ramjee Rai's case. 208
 - 8 Case of a father (aged 70) swearing falsely to screen his son, who was charged with an offence: sentenced, under all the circumstances, to three months imprisonment without labour. Soomut Rajpoot's case. 313
 - 9 The prisoner being charged with perjury, in falsely swearing that he had no intercourse with a certain Darogha, (suspected of levying contributions,) was released; the false swearing not amounting to perjury, as defined in clause 1, section 4, Regulation II. 1807. Gholam Rai's case. 314
 - 10 On conviction of swearing falsely to the identity of two persons whom the Magistrate had by way of device placed among the defendants, the Court, under the cir-



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circumstances of the case, did not deem it advisable to award any punishment. Case of Ajib and Sookraj. 321

- 11 Held that a debtor's producing a witness, who deposed falsely as to his having witnessed a payment to his creditor, forms sufficient presumptive evidence against the debtor to convict him of subornation of perjury. Case of Jumal Ali and Ramdial. 361

See SUBORNATION OF PERJURY, No. 1, 2.

PLUNDERING.

- 1 On conviction of plundering a stranded boat, the Court were of opinion, that the offence of the prisoners did not amount to robbery by open violence, and sentenced them to three years imprisonment. Case of Nubboo Singh and others. 315

POISONING.

- 1 Case of a slave convicted of administering *dokra* to his master, in consequence of which he died : sentenced to suffer death. Boodun Kubar's case. 19
- 2 Two prisoners convicted, the one of causing to be administered to her husband poison in the shape of a pill, the other of administering the same. Sentence imprisonment for life. Case of Attaoolah and Musst. Tuppee. 156
- 3 One prisoner was convicted of having prepared the poison of *dhuttoora* for the purpose of administering it to his rival, with a murderous intent : sentence, 10 years imprisonment. Case of Kootub and Munsaid. 281
- 4 The prisoner being charged with murder, by poisoning her rival wife, and convicted of that offence by circumstantial evidence, was sentenced by the Nizamut Adawlut to suffer death : no *futwa* taken, the case having occurred within the jurisdiction of the Commissioner of Rungpore. Musst. Kaltee's case. 347
- 5 The prisoners accused of administering poison in wine to a person with whom they had a dispute. The law officers delivered a *futwa*, declaring that the charge was not proved, and that it was probable that the deceased died by excessive drinking. Prisoners acquitted. Case of Bydianath and others. 368

See CIVIL SURGEON, No. 1. PRACTICE, No. 9.

PRACTICE.

- 1 Held that it is irregular in a Judge of Circuit to cross-question a prisoner on trial with a view to his conviction,

after he has made his defence. Gunga Pursaud's case. 7

- 2 A trial for murder, charged to have taken place in the Lukhnow territory, quashed by the Nizamut Adawlut, the permission of Government not having been obtained to bring the prisoner to trial. Baboo's case. 10

- 3 A warrant of release should always follow an acquittal, even though the prisoner may have been previously convicted on another charge. Case of Kunhia Singh and others. 10

- 4 It appearing from the evidence of some of the witnesses, in the course of a trial before the court of circuit, that they were concerned in the act with which the prisoner stood charged, the court directed the circuit Judge to consider the proceedings of the trial held by him, and on which his reference to the court was founded, as incomplete : and ordered a further investigation of the case at the ensuing sessions, the charge being drawn up as well against these witnesses, as against the prisoners first indicted, to whom leave was to be given to make a supplementary defence : and if no evidence could be found against these fresh prisoners, except that furnished by their own depositions upon oath, some of the least guilty among them were to be offered a free pardon, on the condition of their disclosing all the circumstances of the case which might have come within their knowledge. Case of Sudder Khan and others. 14

- 5 A prisoner found guilty by the *futwa* of the law officers of privy to a Dacoity on his own confession in the Mofussil and before the Magistrate ; but released by the Nizamut Adawlut, the persons whom he named as his accomplices having been acquitted of the charge of Dacoity. Case of Narain and others. 21

- 6 It is irregular not to hear witnesses named for the defence, on the ground that they have been already heard for the prosecution. Case of Chand Holdar and others. 37

- 7 In a case of four prisoners charged with Dacoity, the second Judge voting for the acquittal of three, and the conviction of one ; the fourth Judge, for the conviction of all ; and the officiating Judge differing from both his colleagues, voting for the acquittal of three, and the conviction of one as receiver only. Sentence issued under the signature of the three Judges on the several prisoners, conformably to the majority of opinions. Case of Attaboodeen and Kishanund. 40



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- 8 The *futwa* of the law officers of the Nizamut Adawlut convicting the prisoners of a minor offence, distinct from that with which they were charged, the Court directed their release; they being still liable to be tried on the minor charge. Case of Ramnewauz and others. 50
- 9 Prisoner being charged in two cases, the first with murder by poison, and the second with poisoning unattended by fatal circumstances, the Judge of Circuit, considering him guilty of the first offence, thought it unnecessary, under Regulation XV. 1814, to proceed with the trial of the second; but sentence by Nizamut Adawlut postponed in the referred case, until the other should be tried. Kulwa's case. 51
- 10 See Note, p. 63.
- 11 It is essential to conviction on a trial for contumacy, that it be proved the proclamation was made by beat of drum at every Thana within the Magistrate's jurisdiction; and in a trial for this offence, a *futwa* from the law officer is not requisite. Proclaimed persons having been tried on the charge of dacoity and murder, for which they were proclaimed, and not on the charge of contumacy, and the Court having ruled that they should have been tried on the latter charge first, it was determined on their being acquitted of the charge of contumacy, that they should be tried *de novo* on the charge of dacoity and murder. Akaloo and Goordial. 87
- 12 Two judges of the Nizamut Adawlut, fully concurring in all points of a trial, are competent to pass a final sentence at variance with the opinions pronounced by two other judges who differed from each other. Case of Mukarim and others. 121
- 13 See Note, pp. 124, 125.
- 14 Where a prisoner is charged with two or more distinct offences, the record of each trial should be kept separate, and a *futwa* should be taken on each individual case; not on the whole collectively. Choona's case. 140
- 15 It is irregular in a Judge of Circuit to enter into any examination of a prisoner as to his confession, beyond his simple avowal or denial of the same. Case of Sham Haree and others. 185
- 16 The prisoner having admitted before the Moulovee, that he had perjured himself in the Court of the Register, was sent by the Moulovee to the Magistrate, and therefore committed by the latter officer to stand his trial for perjury. Held that this proceeding was irregular, and that the commitment should have been made at the instance of the Court in which the perjury was committed. Ramjee Rai's case. 208
- 17 See Note, pp. 253, 254.
- 18 Held that a capital sentence may be passed under Regulation IV. of 1822, in spite of a *futwa* of Decut. In this case the law officers gave a second *futwa*, declaring the prisoner liable to death by *Seasut* on conviction of *Shibko-i-umud*; and the prisoner was hanged under the peculiar circumstances of the case, though the corpse of the deceased was not found. Babooa Nutt's case. 257
- 19 In a case of conviction by the law officer of robbery with attempt to murder, the trial must necessarily be referred to the Nizamut Adawlut, whether the presiding Judge concur in or dissent from the *futwa*. Umerodh Pande's case. 264
- 20 A prisoner having been acquitted by a Judge of Circuit, on very unsatisfactory grounds, of the charge of rape, the Court, on revision, did not touch the acquittal, but recorded their disapprobation of the sentence. Sheikh Meerun's case. 292
- 21 There being only four Judges present in the Nizamut Adawlut, and differing in opinion as to a criminal sentence, held that there was no legal objection to the exercise of his casting voice on the part of the officiating chief Judge, by a modification of his opinion in favour of the prisoners. Assud Ali and Sheikh Moohammad. 384
- 22 After taking a *futwa* from his law officer acquitting the prisoners, the Judge of Circuit concurring therein as the evidence stood, recommended that an additional witness should be examined against them; but he was apprised that this is illegal, and ordered to release the prisoners forthwith. Case of Nujuf Ali and Fyz Ali. 404
- 23 A petition having been presented to the Court of Nizamut Adawlut for the release of a prisoner formerly sentenced by that Court, the majority of the Judges held that they had no power to interfere with the sentence, on the ground of their entertaining a difference of opinion as to the merits of the case, or as to the quantum of punishment awarded. Kamul Musshalchee's case. 477
- 24 The evidence of witnesses for the prosecution having been taken after the prisoner's defence, without his having been called on for a further defence, as regarded such testimony, the Court of Nizamut Adawlut held that the proceedings were informal, and they were returned



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that the omission might be supplied.
Suroop's case. 481

25 In a case of two prisoners, there being three Judges for the conviction of the first, and two for the acquittal and two for the conviction of the second; the fifth Judge took up the proceedings with reference to the latter prisoner only, and being of opinion that he should be acquitted, an order for his release issued; and, in deference to the majority, was signed by two Judges, one of whom had originally given his voice for conviction. Case of Oottum and Purmanund. 483

26 In a trial for murder, in which there were two prisoners, four Judges of the Nizamut Adawlut having given their opinions, and there being a difference as to one of the prisoners, the fifth Judge took up the case, and pronounced his opinion with reference to that prisoner only; subscribing, however, the sentence on all three prisoners, drawn out according to the opinion of the two Judges with whom he partially concurred. Case of Shunker Das and Ghureeb Das. 485

See ADULTERY, No. 7. APPEALS, No. 1. BURGLARY, No. 2. CONFESSION, No. 6, 8, 14. COMMITMENT, No. 3. CONSTRUCTION, No. 1. EVIDENCE, No. 2, 23. EUROPEANS, No. 1. FINES, No. 1. PUTWA, No. 3, 7. INSANITY, No. 4. MOOHUMMUDAN LAW, No. 2. MURDER, No. 9. PARDON, No. 1. PERJURY, No. 2, 4. PROCESS, RESISTANCE OF, No. 1. PROSECUTORS, No. 1. RAPE, No. 2, 3. REGULATIONS, No. 2. SODOMY, No. 1, 2. TRANSPORTATION, No. 2.

PROCESS, (RESISTANCE OF)

1 Process issued by a Thanadar at the requisition of an Ameen, who reported to him that the former Zemindars were ripe for rebellion, held to be illegal; and a charge of resistance of process is not a fit subject of commitment to the Court of Circuit. Case of Purtab Singh and others. 225

PROMISES.

1 Case of murder of a child for the sake of its ornaments. Proof that the prosecutor promised not to prosecute, if prisoner would restore the ornaments, held not to be sufficient to bar a capital sentence. Kuntheeram's case. 96

2 Prisoner found guilty of privity to Dacoity, on his own confession, by the *futwas*, but released by the Nizamut Adawlut, it appearing that he had been induced to confess by a promise of pardon

from the *mohurrir* of the Thana, and of being appointed a *burkundaz*. Case of Netra and others. 166

PROSECUTORS.

1 On a charge of murder and wounding, the law officers acquit of the wounding on the ground of there being no prosecutor, and the Court observed, that it would have been more regular, had the Vakeel of Government, in the absence of the wounded individuals, been constituted prosecutor. In the present instance, however, it was immaterial, the prisoner having been sentenced capitally on the charge of murder. Ramdial's case. 241

PROVOCATION.

See HOMICIDE, CULPABLE, No. 1.

PUNDITS.

1 The pundits of the Nizamut Adawlut, having formerly declared that a woman of the brahminical tribe was not competent to perform the rite of *Anoomurran*, state that this doctrine is not applicable to the case of a woman who is impressed with the belief of her husband's death, but of which event no certain intelligence has been received. This distinction was overruled by the Court. Case of Ramdut and Balgobind. 274

RAPE.

1 It is not necessary, under Regulation XVII. of 1817, to refer to the Nizamut Adawlut a trial for rape, unless the Circuit Judge and his law officer be of opinion that the offence was actually consummated. Meeran Shah's case. 182

2 Held that the provision contained in clause 1, section 6, Regulation XVII. 1817, (which requires the law officer to declare only whether the prisoner is legally convicted,) is not applicable to a case of rape attended by robbery. Poorye Lode's case. 267

3 On a charge of rape, the prisoner was acquitted; but found guilty of the minor offence of adultery, and sentenced for that offence to one year's imprisonment. Bungsee Baoree's case. 317

See EVIDENCE, No. 24. MITIGATION, No. 14. PRACTICE, No. 20.

RECEIVING STOLEN PROPERTY.

1 The prisoner convicted of receiving property, knowing it had been obtained by theft, attended with murder, and sentenced to 14 years imprisonment; to con-



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victim of this offence it not being deemed necessary to prove that the person robbed had possession of the property, up to the day of his death. Sheoghoolam's case. 425

REGULATIONS.

- 1 See Note, p. 48.
- 2 The Court did not think fit to apply the provisions of a Regulation to an offence committed subsequently to the date of its being in force, but previously to the probable date of its receipt at the place where the offence was committed. Bunnawaree's case. 233

See CONSTRUCTION, No. 1.

RESCUE.

- 1 Two sepoys convicted by the *futwa* of rescue, acquitted by the Nizamut Adawlut, on the ground of their having acted in obedience to the orders of a Havildar, their immediate superior. The Havildar was also acquitted, he having received instructions from a person whom he deemed himself bound to obey. Case of Pursun Singh and others. 330

ROBBERY.

- 1 To constitute the crime of robbery by open violence, as defined in the Regulations, it is requisite that persons should go forth, if unarmed, in a gang. Balgoobind's case. 23
- 2 Highway robbery, attended with assault by a single unarmed offender, does not come within the provisions of robbery by open violence, as defined in clause 1, section 3, Regulation LIII. 1803. Purnsookh's case. 53
- 3 Prisoner convicted of robbery and wounding, with the handle of an adze. It being inferred, from the circumstances and place of the occurrence, that his intent was to kill, sentenced to 39 *corahs* with imprisonment in transportation for life, under clause 4, section 8, Regulation XVII. 1817. Bhagye's case. 77
- 4 Of two prisoners, one snatched a necklace from an old woman in the daytime on the high road, who fell from the pull, but sustained no injury; while the other prisoner stood by. Held that this does not amount to the crime of robbery by open violence, as defined in the Regulations. Case of Khoonwa and Timlah. 153
- 5 Case of a gang of twenty men armed with clubs, who secretly effected an entry into a house, and afterwards maltreated the inmates; held that this is sufficient to constitute the crime of robbery

by open violence, as defined in clause 1, section 3, Regulation LIII. 1803. Case of Oopasoo and others. 217

- 6 Prisoner sentenced to 21 years imprisonment for the offence of robbing his fellow mendicant (an old woman) in the jungle, and, after beating her with intent to murder, leaving her there for dead. Gobind Das's case. 219

See JURISDICTION, No. 4. MOOHUMUD-AN LAW, No. 5.

ROBBERY (HIGHWAY.)

See MITIGATION, No. 1.

ROBBERY, WITH ATTEMPT TO MURDER.

- 1 Prisoner convicted of throwing a boy into a well with intent to murder, and taking his ornaments; sentenced to imprisonment for life. Kinnur's case. 479

SEDITION.

- 1 The prisoner being charged with rebellion and high treason against the state, was convicted of seditious practices, and disturbing the peace; and sentenced for those offences, under all the circumstances of the case, to imprisonment with labour for the term of five years. Teepoo Paugul's case. 429

SENTENCES.

See PRACTICE, No. 25, 26.

SEPOYS.

See AFFRAY, No. 4. BAIGARS, No. 3. MURDER, No. 12. RESCUE, No. 1.

SODOMY.

- 1 Two individuals convicted of sodomy, sentenced to 30 stripes, *Tushheer*, and eight years imprisonment: an instigator of the offence sentenced to the same punishment; and the Court determined, that as *Tushheer* generally forms part of the punishment on conviction of this offence, the case should always be referred to the Nizamut Adawlut. Case of Pimmee and others. 49
- 2 When the Judge of Circuit does not deem it necessary that public exposure should form any part of the punishment of a prisoner convicted of sodomy, he need not refer the case to the Nizamut Adawlut, if he agree with his law officer. Sookhoo's case. 238

SUBORNATION OF PERJURY.

- 1 Held that a debtor's producing a witness who deposed falsely as to his having wit-



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- nessed a payment to his creditor, forms sufficient presumptive evidence against the debtor to convict him of subornation of perjury. Case of Jumal Ali and Ram-dial. 361
- 2 The prisoner having produced a person in a court of justice to give evidence under a fictitious name, was convicted of subornation of perjury, though the perjury was not completed. Sentence, imprisonment with hard labour for two years. Ramsoondur Bhagul's case. 363

SUICIDE.

- 2 Three Moosulmauns convicted of aiding in the suicide of a leprous woman, who buried herself with the corpse of her husband, (also a leper,) sentenced to six months imprisonment. Case of Fukeera and others. 18

See MITIGATION, No. 5.

SUTTEE.

- 1 Case of four Hindoos and two Moosulmauns, convicted of forcing a woman to complete the sacrifice of *suttee* against her will, by repeatedly throwing her on the pile, from which, after she had voluntarily ascended it, she was desirous of escaping. Two of the Hindoos (her relations) sentenced to one year's imprisonment; two others (not her relations) to two years; and, of the two Moosulmauns, one (who struck her with a sword) sentenced to five years imprisonment, and the other to three years. Case of Bhuraichee and others. 91
- 2 The omission to give notice to the police of an intended *suttee*, is not a criminal offence punishable under the Regulations. Case of Mungul Rai and others. 179
- 3 Case of a woman who burnt herself with the corpse of her brother. Her father, who chiefly assisted at the sacrifice, sentenced to 7 years imprisonment. Degumber Pande's case. 246
- 4 The pundits of the Nizamut Adawlut, having formerly declared that a woman of the brahminical tribe was not competent to perform the rite of *Anoomurrun*, state that this doctrine is not applicable to the case of a woman who is impressed with the belief of her husband's death, but of which event no certain intelligence has been received. This distinction was overruled by the Court. Case of Ram-dut and Balgobind. 274
- 5 The burning of a Brahminee woman on a funeral pile different from that of her husband, having been declared illegal; her father-in-law, who assisted at the

- suttee*, sentenced, under all the circumstances of the case, to one year's imprisonment. Surnam Tewarry's case. 279
- 6 The prisoner convicted of assisting at an illegal *suttee*. Sentenced, under the circumstances of the case, to three years imprisonment. Sheo Subai's case. 283
- 7 Prisoner convicted of assisting at the *suttee* of his brother's wife, she being under the prescribed age, and having sacrificed herself, not when she heard of her husband's death, but one year and a half afterwards. Sentence, three years imprisonment. Gunga Doobe's case. 286
- 8 On conviction of assisting at an illegal *suttee*, unaccompanied by any aggravating circumstances, the prisoners were sentenced to six months imprisonment without labour and irons. Case of Juddoonath and others. 320
- 9 Conviction of assisting at an illegal *suttee*, the widow having left a child under three years of age, and no one having executed the prescribed deed engaging to maintain it. Punishment reduced to one month's imprisonment, in consequence of long confinement before trial. Ajoodhia Misser's case. 391
- 10 Conviction of assisting in an illegal *suttee*, the female being the wife of a Brahmin, and aged but nine years, having burnt on a pile with his turban and *junoos*: 1st prisoner sentenced to imprisonment for one year without labour and irons; 2d to imprisonment for one month. Case of Ram Pursun and Bul Misser. 392

THEFT.

- 1 The prisoner being charged with burglary and theft, the Court, with reference to all the circumstances of the case, convicted him of assault and outrage, and sentenced him to seven years imprisonment. Su-leem's case. 333

See FUGTIVAS, No. 6. MISSING PERSONS, No. 1.

THUGGEE.

See JURISDICTION, No. 4.

TORTURE.

- 1 Case of gross maltreatment and torture, (apparently to extort confession of theft,) which ended in the death of the person abused: principal sentenced to 14 years imprisonment: three accomplices to 10 years imprisonment each: two accomplices in an inferior degree, one to seven, and the other to two years imprisonment: and two others acquitted. Case of Byjnath and others. 378



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TRANSPORTATION.

- 1 On a conviction of murder, the Circuit Judge recommended that transportation should form part of the sentence, but this recommendation rejected by the Nizamut Adawlut, and sentence passed of imprisonment for life in the Alipore jail. Ghoree Brahmin's case. 152
- 2 It being proposed to sentence a prisoner, convicted of murdering a child for the sake of its ornaments, (the corpse not being found,) to perpetual imprisonment in transportation, with stripes, it was ruled by a majority of the Court, that he should be sentenced to imprisonment for life without transportation, but with stripes. Case of Khiale Baz and Musst. Makhee. 489

TREASURER.

- 1 The Treasurer of a Collector's office sentenced to punishment for paying money out of the treasury under illegal and irregular orders of the Collector, which he well knew were illegal and irregular, he being *de facto* Treasurer, though not confirmed, and though the Collector himself had not been brought to trial. Lokmun's case. 229

See EMBEZZLEMENT, No. 2.

TRESPASS.

See CULPABLE HOMICIDE, No. 9.

TUHSEELDARS.

See EMBEZZLEMENT, No. 3.

TUSHHEER.

- 1 Two individuals convicted of sodomy, sentenced to 30 stripes, *Tushheer*, and eight years imprisonment: an instigator of the offence sentenced to the same punishment; and the Court determined, that as *Tushheer* generally forms part of the punishment on conviction of this offence, the case should always be referred to the Nizamut Adawlut. Case of Pimnee and others. 49

UTTERING FORGED DOCUMENTS.

- 1 The Regulations prescribe no *minimum* of punishment for the offence of uttering forgeries, and a reference for mitigation was made under the misapprehension that there was such *minimum*. But the Court of Nizamut Adawlut, nevertheless, not deeming the person convicted a fit object for mitigation, confirmed the sentence. Case of Amana Ali and Lal Moohumud. 244

See PRACTICE, No. 25.

VYUVUSTHAS.

See Note, p. 247, 248.

WIFE.

See CONCEALMENT OF MURDER, No. 1.
EVIDENCE, No. 9.

WITCHCRAFT.

- 1 The prisoners convicted of murdering a woman, on suspicion of her being a witch; sentenced, the first two to perpetual imprisonment, and the other three to 14 years imprisonment: another prisoner convicted of having tried the woman, and pronounced her to be a witch, sentenced to seven years imprisonment. Case of Runjooa and others. 56
- 2 It being proved that a woman met her death in consequence of ill usage and confinement by the prisoner or under his orders, on the imputation of being a witch, the prisoner was sentenced, under all the circumstances of the case, to seven years imprisonment with labour. Jugjeet Singh's case. 188
- 3 Prisoner convicted of murder, in revenge of the supposed exercise of witchcraft by the deceased; imprisoned for life. Capital sentence remitted, in consideration of all the circumstances of the case, and the uncivilized part of the country (Kumaon) in which the crime was committed. Keshwa Dome's case. 190

WITNESSES.

- 1 The minority of a witness is not sufficient to preclude him from being sworn, provided he have a competent sense of the nature of an oath. Hatim Ali's case. 85
See PRACTICE, No. 6.

WOUNDING.

- 1 Prisoner convicted of wounding his wife with intent to murder. Sentenced to 14 years imprisonment, though little injury resulted to the woman from the wounds. Munger's case. 207
- 2 Prisoner convicted of dangerously wounding his wife with a *kutan*, by his own account from motives of jealousy; sentenced to 14 years imprisonment with hard labour in banishment. Sheikh Mochee's case. 211

See ACQUITTAL, No. 2. ADULTERY, No. 7.
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