

The article has 22 cases of judicial decisions of Maratha courts. Some are part of the article. For the sake of brevity, the rest are shared in this file.

1. One of the earliest and most well-known cases is from January 1646.

Babaji, Patil of village Ranje (30 km southwest of Pune), was found guilty of rape after due investigation. A strict and swift punishment followed after the judgment from Shivaji Maharaj and Babaji's hands and legs were cut off, also his *Patilki* was confiscated. (SSS2-L239).

This was a historic decision as in earlier Islamic kingdoms, kidnapping/molesting a non-Muslim girl was a routine phenomenon. This attitude has percolated down where even small fief-holders considered themselves as absolute authority which led to exploitation (भक्षक) rather than mere guardians (रक्षक) appointed by the state.

Can people today visualize condition of Hindu women in areas under Muslim rule? Look at Pakistan for a contemporary Pakistan.

2. Kanhoji Jedhe, had distributed his property amongst his sons Baji, Shivaji, Chandaji, and Mataji before his death. But after Kanhoji's demise, his elder son Baji refused to transfer the fields to his brothers. The matter reached Maharaj who wrote a scathing letter to Baji, who was an important noble, 'once your father had divided the property as per his wish, you should not interfere in it now. You want the home, the farms and fields, everything. How is that possible? Henceforth, you shouldn't give any trouble to your brothers in their portion, neither you should raise the matter.' (SSS2-L221).

3. Another interesting issue was regarding Patilki of Supe which was earlier divided between Nilkanthrao, Kaktar, and Dhangar, but a rival claimant named Jagtap went to a local officer named Ragho Ballal. On Jagtap's false complaint, Raghoba imprisoned Dhangar's family. When the complaint came to Maharaj, he wrote a stern letter to Ragho Ballal to not imprison one side in a dispute without a due hearing and ordered to release of imprisoned Dhangar family members. He also reminded Ragho Ballal that any such dispute will come to him and will be solved according to due process. (SSS1-L59, 60)

4. Treachery was dealt with severely.

Khandoji Khopade, a Maval Deshmukh joined Afzal Khan from Swarajya. After defeat of Bijapur forces, Kanhoji Jedhe, a close and senior aid of Maharaj tried to negotiate on Khopade's behalf. Maharaj agreed not to kill him but his right hand and left foot were cut off as a punishment. When Kanhoji became angry

that even after his guarantee Khopade was punished, Maharaj replied that Khopade was punished to create a deterrent that must be established against future traitors, only because you (Jedhe) took guarantee for his conduct I (Maharaj) refrained from executing him. (SCP45)

5. Baloji Raghuvansi, resident of Sangamner died. Baburao Hari, the government officer confiscated his house as the former had died without an heir. His relatives raised the complaint and the matter came before Nanasaheb. Peshwa ordered the concerned officer that Baloji's 2 wives, mother, uncle, and two daughters are alive hence his property must be returned to them without any delay. (PD2-BBP2-P50)

6. The Patil of Pakhare in Tarf Gandapur committed a dacoity in the house of the Kulkarni, and killed him and his nephew. Half the patilki watan was therefore transferred to the son of the deceased. (PD2-BBP2-P61)

7. A fine was imposed on the village of Pathare Khurd Tarf Belapur because Shamrao Yishwanath while on his way was robbed and the robbery was traced to the villagers of Pathare. The property stolen was recovered and given to the owner. A sum of Rs. 750 was ordered to be levied from the villagers as a fine. (PD2-BBP2-P81)

8. A theft of Rs. 822.8 took place from the treasury of Chandangarh. The person in charge was ordered to make good one-third of the amount for his failure to keep a watch around the building, and the guards on duty were to make good the remaining for their negligence. (PD2-BBP2-P144).

9. The son of Goplal Malhar Kulkarni of Rahuri had murdered a Brahmin. His share of the watan and his property was ordered to be attached. However, the shares of the other watandars which were also attached were ordered to be released from attachment as it was wrong to punish the innocents who had no connection with the murder. (PD2-BBP2-P79)

10. Ramaji Pawar was forcibly converted by the Siddi's of Janjira. On his brother Suryaji's request, he was reconverted back to Hinduism. Rs. 30 was levied as *Pryashchitta* (Reconversion cost). (SPD22-P103)

11. Not taking care of their parents was considered a serious issue.

For example, Kali Jadhav was a widow. Her sons Hiroji & Soyraji had usurped the property and thrown her out of the house. Madhavrao ordered the officer to restore her property and provide her maintenance (M1P-P558). Similarly, Rajkunvar, a widow of Dalpatram, living at Dabhoi was deprived of her

property by the nephews of the second wife of Dalpatram who had committed Sati along with her husband. Hence orders were sent to the local officer to attach the property from the nephews and restore it to her. (M1P-P563)

12. Karimunissa Begum, after the death of her husband sent Dasiputra (illegitimate son) of her late husband to transfer the rights of village revenue assigned to her husband. However, the son misled the government officers and transferred the watan in his own name. After hearing the petition of Karimunnisa and checking the documents, the officer was instructed to issue papers in her name. (SMP3-P857)

13. An interesting case is where a whole village was collectively fined.

For e.g. Jivaji Kulkani's house was looted and his brother Baburao was killed during the dacoity. The thieves were pursued till Tisgaon, where due to obstruction by the villagers to the government forces, the thieves were successful in getting away. Hence, the whole village was fined collectively to pay the amount equivalent to the property stolen (Rs.8572) plus a fine of Rs.1000 for obstruction of government forces. (M1P-P606).

14. Unauthorized encroachment was not allowed.

A case in 1790 shows that Sadashiv Dadaji of Sangameshwar had tried to usurp the land on the ruins of the older palace of Chhatrapati Sambhaji. He also tried to mislead the authorities that his home was being built in a plot adjacent to the ruins and not on top of it. Hence, after investigation a team under Moro Atmaram was sent to demolish the unauthorized encroachment. (SMP1-P56)

15. When the elder brother of Bapuji Naik died and his widow wanted to live separately due to issues with her mother-in-law, the family neither gave her Stridhan (Jewelry) nor any provision was made for her living.

When the case came to Ramshastri, he ordered annual maintenance of Rs.125 and return her ornaments to which Naik family agreed only to renege later. The family then tried to use their influential position to pressurize Ramshastri but he remained firm on his decision and sent a letter to Sakharam Bapu and Nana Fadanvis to confirm this. Also, a fine was imposed on Bapuji's family for trying to influence the judicial process. (SPD43-P142)

Key to cases

SSS2-L -Shiv Charitra Sahitya-Volume No.- Letter No.

SPD- Selections from Peshwa Daftar-Volume No-Point No.

SCP- Shivcharitra Pradip-Pg No.

PD2-BBP2-P79- Peshwa Daftar (Vad)-Balaji Bajirao Peshwa-Point No.
M1P- Madhavrao 1 Peshwa-Point No.
SMP-P- Sawai Madhavrao Peshwa-Volume No.- Point No.