

Government of Madras. ①
Judicial (1911) Department.

ORDINARY MS.

Letter
G.O., No. 1418

Confidential

DATED 7-9-1911.

INDEXED

[Abstract.]

TINNEVELLY MURDER CASE.

Forwarding to the Government of India copies of charges and
commitment order in the -----.

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Charge.

(Sections 221, 222 and 223 Criminal Procedure Code).

I

A.Mc.G.C. Tampoe, Sub Divisional Magistrate,
Tinnevely hereby charge you

Sankarakrishna Aiyar

as follows:-

That you on the seventeenth day of June 1911
at Maniyachi Railway Station abetted the murder of one
Robert William D' Esteourt Ashe, late Collector of the
District of Tinnevely, by one Vanchi Aiyar by conspiring
with the said Vanchi Aiyar and by being present and
aiding the said Vanchi Aiyar, and thereby committed an
offence punishable under sections 302, 107 & 114 of the
Indian Penal Code, and I hereby direct that you be tried
by the High Court of Judicature of Madras.

(Sd) A.McG.C. Tampoe

30-8-11.

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C H A R G E.

(Sections 221, 222, and 223 Cr. P.C.)

I,

A. M. S. C. Tampoe, Sub-Divisional Magistrate, Tinnevely, hereby charge you

1. Nilakanta alias Brahmachari 8. Babu Pillay alias
Ramaswami Pillay
2. Sankarakrishna Aiyar 9. V. Desikachari
3. Madathukadai Chidambaram Pillay 10. Vembu Aiyar alias
Mahadeva Aiyar
4. Muthukumaraswami Pillay 11. Savadi Arunachalam Pillay
5. Subbayya Pillay 12. Alagappa Pillay
6. Jagantha Aiyangar 13. ~~Asw. Chander~~
7. Harithara Aiyar 14. Vande Mataram Subramania
Aiyar
15. Pichumani Aiyar alias
Venkatachalam Aiyar

as follows:--

1st, that you between the first day of January 1910 and the seventeenth day of June 1911, at Tenkasi, Tuticorin, Shencottah, Bonalur, Ottapidaram and elsewhere, conspired to wage war against HIS MAJESTY THE KING EMPEROR OF INDIA and to attempt to wage war against HIS MAJESTY THE KING EMPEROR and further conspired to deprive HIS MAJESTY THE KING EMPEROR of the sovereignty of British India, and further conspired to overawe by means of criminal force, or the ~~act~~ show of criminal force, the Government of India, and the Government of Madras

and thereby committed an offence punishable under section 121 A of the Indian Penal Code, and I hereby direct that you be tried by the HIGH COURT OF JUDICATURE of MADRAS.

Secondly

500
Secondly--That you at the same time and the same places & abetted the murder of one Robert William D'Estcourt Ashe, late Collector of the District of Tinnevely, by one Vanchi Aiyar on the seventeenth day of June 1911 by engaging in a conspiracy for the murder of European officials and that you thereby committed offences punishable under sections 302, 303, 107 and 111 of the Indian Penal Code, and I hereby direct that you be tried by the HIGH COURT OF JUDICATURE of MADRAS.

(Sd) A.M.G.C. Tampoe.
30-3-11.

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Preliminary Register Cases Nos. 3,4,5, & 6 of 1911.

ORDER.

Maniyachi is a station on the main-line of the South Indian Railway, and the junction from which the line to Quilon branches off. The platforms at this station run due North-and-South. There are three such passenger-platforms, and numbering them from West to East, platforms 1 & 2 are separated from each other by a row of buildings, consisting of Waiting Rooms, Refreshment Room, Telegraph Office etc., having covered verandahs on either side. Between the second and third platforms lies a railway track and beyond the third platform lies a second such track. At the southern extremity of the first platform is an open latrine for the use of native passengers.

2. The railway-line to Quilon passes through Tinnevely Bridge, as one of its stations. On the morning of the 17th of June last, Mr. R.W.D. 'E. Ashe, I.C.S., Collector of the District Tinnevely, left Tinnevely Bridge Station by the 9-35 train to catch the up Boat Mail train at Maniyachi Junction. He travelled with Mrs. Ashe, and they were the sole occupants of the only First-Class compartment in the train. The train arrived in Maniyachi along the track which lies between platforms 2 & 3, a few minutes ahead of the Mail train, which was expected on the track beyond platform 3. The bulk of the passengers appear to have got out on the latter platform, and the luggage of the Collector was also removed to that platform. He and Mrs. Ashe continued however to sit in their compartment, awaiting the arrival of the Boat-Mail. Mr. Ashe was sitting on the seat nearest to platform 3 and Mrs. Ashe on the seat nearest to platform 2. The compartment in which they were sitting was almost opposite the Ladies' Waiting Room. (See point marked in plan Exh. Q).

About ^{two} minutes after the arrival of this train, the Senior Station Master of Maniyachi Station (P.W. 17) went and talked to Mr. Ashe about some alteration in the railway rules, and then left him to go to his office. His two sons (P.W. 18 & 19), aged about 14 and 12, were standing on the edge of the covered verandah, a few yards from the first-class compartment, 'looking

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at the Collector and his lady'. Two men then came up platform 2, from the south, and passed between the two boys and the train. One of the men went up to the window of the First-Class compartment, and looked into it, while the other went past it and stood near the servants' compartment, which was beyond. The former then pointed a pistol at Mr. Ashe, who took his topee and flung it at him. Almost simultaneously with this there was a report, and Mr. Ashe got up shouting and fell. A peon (P.W.5) who was standing near by, ran up and seized the man, who however released himself and by pointing the pistol at the peon, frightened him into running and hiding himself in the adjoining Refreshment Room. The man then ran, pistol in hand, north along platform 2, and rounding the buildings ran south along platform 1, and entered the native passengers' latrine at the southern extremity of this platform. Some persons chased him down this platform, among whom was P.W. 20. He threatened to shoot them if they went near. A crowd surrounded the latrine at a safe distance from it and kept the man imprisoned in it (P.W. 20, 21).

4. Soon after the shot was fired the companion of the man with the pistol, came up opposite the first-class compartment, turned round and went off along the platform northwards. (P.W. 22, 28, 19).

Two Railway Police constables were among the crowd who surrounded the latrine and as they had no carbines with them, they sent word to the Maniyachi Town Police Station. A constable came with a carbine and on entering the latrine found a man lying dead inside, with a pistol in his right hand. The Railway Police constable P.W. 21 entered the latrine with him. The body was guarded as it was by the Police.

In the meantime Mr. Ashe expired and was taken to Mannevelly Bridge by train.

Telegraph intimation of the tragedy was given to all the officers in the District, and in consequence of it, the Sub-Collector of Tuticorin and the Assistant Superintendent of Police (P.W.31) came to Maniyachi at about 1-30 P.M. They found the dead body of the assassin in the latrine with a Browning automatic pistol

pistol in his hand. This was removed by the Assistant Superintendent (P.W. 31). The magazine and breach of the pistol were empty.

5. The body was then conveyed to Tinnevely Bridge in a closed truck. The District Superintendent of Police (P.W. 85) took charge of the body there. An examination of the body was made by an Inspector of Police (P.W. 80), in the presence of the District Superintendent of Police (P.W. 85), the Sub-Divisional Magistrate, Tinnevely, and the Assistant Superintendent of Police (P.W. 31). In the pocket of the coat of the assassin was found a purse containing a Railway ticket (M.O. XXX) of that date from Tinnevely Bridge to Maniyachi, and a few annas. Underneath the coat was a shirt in the breast pocket of which was a letter (Exh. EE). This letter gave particulars as to the name (Vanchi Aiyar) and native place (Shencottah) of the murderer, and stated some reasons as the motive for the crime.

6. An inquest was formally held on the body of the deceased which had already been photographed. (Exh. F.) The body was then placed for identification, and was identified by P.W. 7. The post-mortem was held on the body the next morning, and it was found that the man had committed suicide-death being due to a bullet wound through the mouth, the bullet lodging in the muscles of the neck, after having passed through the spine. (P.W. 37).

In consequence of the information contained in the letter orders were sent to the Inspector of Police, Tenkasi, on the same day - 17th - to go to Shencottah, communicate with the Shencottah Police and make enquiries about the assassin Vanchi Aiyar. A second party was despatched to Shencottah on the next day on receipt of further information. As a result of the searches by these parties and the enquiries made by them, two parties were sent out on the 18th - one to Tuticorin under the Assistant Superintendent of Police and the other under the Deputy Superintendent of Police (P.W. 50) to Ottapidaram to make certain searches.

The Assistant Superintendent of Police, who reached Tuticorin at about 10 P.M. on the night of the 19th, went to the house of one K.V. Arumugan Pillay, at about 2 A.M. and told him that he was going to seal his house and put a guard over it with a view to searching it the next morning. Arumugan Pillay (P.W. 39)

made a long statement, detailing all that he knew about the commission of the crime and the secret history which preceded it. The house was searched the next morning, and certain incriminating documents were seized. As soon as the other searches in Tuticorin were over, the Asst. Superintendent of Police brought Arumugam Pillay into Tinnevely and handed him over to the District Superintendent. He then repeated the statement to the latter. He had also prayed the Police after he had made his statement at Tuticorin for protection against possible violence from his associates of whom he had given information. He repeated this request before the District Superintendent as well. He was subsequently tendered a pardon by the District Magistrate, Tinnevely, under section 337 of the Criminal Procedure Code, and in consequence of his accepting it, he has been examined as a witness (P.W. 39) in this case.

As a result of the search at Ottapidaram, the Deputy Superintendent of Police proceeded to Tuticorin, and searched the house of one C. Somasundaram Pillay, whom he has reason to suspect of complicity in the crime. He was also arrested and brought to Tinnevely on the 22nd. Somasundaram Pillay was also tendered a pardon under section 337 Cr. P.C. by the District Magistrate, which he accepted. He has therefore been examined as Prosecution Witness 49 in this case.

These two men are residents of Tuticorin. They attended at Tuticorin lectures of V.O. Chidambaram Pillay and Subramania Siva, which preceded the Tinnevely riots in 1908. They then commenced to subscribe to seditious papers from Pondicherry, and to believe in, and be influenced by, the ideas advocated by such writings. In April 1910, the second accused Sankarakrishna Aiyar went to Tuticorin and informed these two witnesses that one Nilakanta Brahmachari (accused 1) had come from Pondicherry to Tenkasi to hold a meeting, and asked them to attend it. Arumugam Pillay alone went as Somasundaram Pillay was prevented by work from doing so. He found Nilakanta in the house of Madathukadai Chidambaram Pillay. He was introduced by Sankarakrishna Aiyar (2nd accused) to three persons there whom he did not know before. They were Nilakanta (accused 1), Madathukadai

Chidambaram
Chidambaram

Chidambaram Pillay (accused 3), and Vande Mataram Subramania
 yar (accused 14). Nilakanta took the witness aside by himself and
 told him that he was the contributor to the Pondicherry paper
 "uryodaya" and that he had come to Tenkasi to convene a meeting,
 the purpose of which he proceeded to explain as follows: That per-
 sons such as V.O. Chidambaram Pillai and Subramania Siva had tried
 to do good to the country by lectures, but that Government had
 punished them, as also men like them in Krishnasawmy Sarna and
 Alvi Yakut Husain; that Bengalis had also manufactured bombs but
 that too was stopped by the conviction of many persons in the
 Calcutta and Alipore bomb-cases; and that the Collector of
 Calcutta and Babu Asutosh Biswas had been murdered with the result that
 many persons were hanged for it; that the purpose of killing the
 English was to obtain Swaraj, and that they should drive the
 English out of the country. He then proceeded to describe the
 meeting which they were about to hold as the beginning of a new
 era for effecting what they wanted, by means of a revolution
 similar to the Sepoy Mutiny of 1857, and that they should gather
 together select men in each village and town for the purpose, that
 the men should start a revolution all over the country and kill
 Englishmen on the same day. The meeting which was ^{to} bring into
 existence one of such bands, then commenced, and after a preliminary
 discussion, in common, of the facts stated by Nilakantam to
 him, the former told the persons present (viz. accused 2,3,14.
 Arumugam) that they should all take an oath. Puja was offered
 to the picture of Kali, the goddess, by making offerings of sacred
 food and flowers to it. Some 'kunkumum' (red powder) was then
 dissolved in water, and each person present put a little of it into
 his mouth and the picture of Kali was also sprinkled with it. The
 liquid was said by Nilakantam, to be symbolical of the blood
 of the Englishmen. Then a piece of paper was taken, on which
 was written an oath to the effect that the lives and the property
 of the persons taking the oath were dedicated for the purpose of
 obtaining Swaraj, that the secrets of the society of which they
 were becoming members should not be divulged and that, if any one
 of them, he should be killed as Goshain of Calcutta was killed,
 that the drinking of the 'kunkumum' ~~water~~ water was symbolical

of their drinking the blood of the Englishman. This was read by each of the persons present, in turn, and sealed by affixing their thumb-impressions in blood from their thumbs, which had been cut previously. They were also given new names to conceal their identity in case any correspondence about this society should fall into the hands of the authorities. Accused 1, 2, 3, 14 and Arumugam took the oath in this manner.

Five or six months ^{later}, Sankarakrishnan (accused 2) again went to Tuticorin to make arrangements for a similar meeting by Akantam there. The latter arrived a day or two ^{later} from Tenkasi. Arumugam made all the necessary arrangements for their stay, and sought recruits for the society. A meeting similar to the one at Tenkasi was held, and ^a similar oath was taken. Accused 1, 2, 4, 5 and Sami Pillay (the absconding accused No. 13), Arumugam Pillay and Somasundaram Pillay (P.W.49) alone were present at this meeting, and all of them took the oath here. This is, in brief, the evidence as to the founding of a dangerous anarchical society in British territory, in Tenkasi and Tuticorin. The society has also branches in Shencottah and Ponalur - villages belonging to Travancore, and lying close to Tenkasi, the westernmost Taluk of Tinnevely District.

Ramasamy Aiyar is a native of Sundarapandiapuram, whose connection with this society became known to the Police at a very early stage in the investigation. His house was searched on the 1st of June, that is five days after the murder of the Collector. He was then found to be absent from the village, and his whereabouts were not known, although for two or three days after the murder he had been in the village. He returned to the village for the first time after this disappearance at the end of June, and was at once taken by the local village magistrate (P.W. 1) before the Police who produced him on the ~~next~~ same day (the 1st of August) before the Stationary Sub-Magistrate of Tenkasi. He was then taken on the same day, before the District Superintendent of Police who was then at Courtallam, and who brought him to Tinnevely the next day. On the 17th of August I tendered him a warrant, on the direction of the District Magistrate, Tinnevely,

under

under section 337 of the Criminal Procedure Code. He accepted it, and has therefore been examined as Prosecution Witness No. 55 in this case.

His evidence goes to show that the society took ~~shape~~ root in Shencottah and Ponalur about August last year. He was travelling about the middle of 1910 in Travancore and Cochin, giving performances with a gramophone. He had been employed in Travancore when the railway-line to Quilon was under construction and was already acquainted with Vanchi Aiyar, the assassin, and Harihara Aiyar (accused 7).

In his travels on this occasion he came to Alleppy and met Harihara Aiyar there. They then came together to Quilon, where the former introduced him to Bapu Pillay (accused 8), who asked him to sell him the gramophone for the use of a ~~society~~ society in which he was interested. As Harihara Aiyar agreed to be responsible for the purchase-money, he consented to sell it, and it was agreed that he should hand over the instrument to Bapu Pillay at Ponalur. He and Harihara ^{aiyar} came to Ponalur a day in advance of Bapu Pillay. They were met at the station on their arrival by Vanchi Aiyar, who took them to Bapu Pillay's house. This was the beginning of August last year. He stayed a few days there, met Nilakantam, Madasami Pillay (the absconding accused No. 13), Vanchi Aiyar, Sankarakrishna Aiyar (accused 2), and Jagannatha Aiyangar (accused 6). The witness then went home for Avani Avittam (accused 3) at Tenkasi. Madasami Pillay took him there. He returned soon after to Shencottah, as he had left his gramophone in the house of Harihara Aiyar there. He then went to Ponalur with Nilakantam, Vanchi Aiyar, Jagannatha Aiyangar (accused 6), Harihara Aiyar (accused 7), and two other men of Shencottah, namely Kunani Aiyar, (accused 15) and Dharamaraja Aiyar, who has since been committing suicide while under arrest in connection with this case. Sankarakrishna Aiyar went there before them. All of them went to the house of Bapu Pillay (accused 8), and spent a few days there, during which Nilakantam delivered lectures about Bal Gangadhar Tilak, Subramania Bharati, Bepin Chandra Pal and Tilak, describing them as true sons of "Bharata Matha" (Mother India), and

adding that if every one would follow in their footsteps Swaraj ~~se~~ could soon be obtained. He further ~~explained~~ explained that gwaraj meant the driving of the English out of India, and ~~filling~~ the country themselves. He also told them that societies similar to the gathering they were having at Ponalur, existed in Bombay, Baroda, Pondicherry, and other places, that guns and arms were ready in Pondicherry, and that they could obtain these for killing and driving the English away. These lectures seem to have been merely for purposes of persuasion, and when they were over, a special meeting was held for the purpose of taking an oath as members of this society. Puja was offered to the Goddess Kali and an oath was taken in the same manner and much to the same effect as at the Tenkasi and Tuticorin meetings. The persons who took the oath were

Nilakantan	Accused 1.
Sankar Sankarakrishnan	.. 2
Vanchi Aiyar	..
Pichumani Aiyar	.. 15
Harihara Aiyar	.. 7
Jagannatha Aiyangar	.. 6
Bapu Pillai	.. 8
Desikachari	.. 9
Dharmaraja Aiyar	(since deceased)

and the witness. The latter returned home to Sundarapandiapuram on the next day.

11. The witness was again in Shencottah in the month of Dharmu (December-January) of that year, and learnt there from Dharmaraja Aiyar that Vanchi Aiyar and Sankarakrishna Aiyar had gone to Pondicherry with the intention of going further north towards Madras to ~~xxxx~~ shoot some 'big Dorai'. Dharmaraja Aiyar also told him that he wondered whether they would do the crime secretly, or whether they would bring them all into trouble. The witness then returned home for Sankranti (14th January 1911) About three months later he went to Alleppey on business, and again met Harihara Aiyar. On the latter's invitation he came ~~again~~ again to Shencottah on his way home, and stayed with him.

While

While there he attended a meeting of the society in the house of Savadi Arunachalam Pillay (accused 11), whom he had met before in the society of Nilakantam on his first visit to Shencottah, in August 1910. This meeting was attended by

Arunachalam Pillay	accused	11.	
Chidambaram Pillay	,,	3	
Vanchi Aiyar			
Sankarakrishna Aiyar	,,	2	
Jagannatha Aiyangar		6	
Harihara Aiyar	...	7	
Alagappa Pillay	..	12	
Pichumani Aiyar	,,	15	Dharmaraja Aiyar

and ~~with~~ ^{the} witness. He also met another man at the house of Arunachalam Pillai though he was not present at the meeting. He did not know this man's name then, but has identified him in Court as Sundaram Aiyar (P.W. 66). This witness belongs to Kadayanallur which is close to the village of Sankarakrishna Aiyar (accused 2). He was taken to this meeting by the latter, who explained to him on the way the necessity for joining their society. He saw the persons mentioned above go ~~it~~ into the house for the meeting, and heard them sing songs in which he says the word 'swadeshi' occurred. He had been asked to wait outside on the pial by Sankarakrishna Aiyar and he did so. The meeting was over at about 7 p.m. The door was then opened, and Arunachalam Pillay asked him to come in, telling him that he was a good boy, and asked him to join their society. He asked him what he was to do in case he joined, and was told that if he fully joined the society by taking a 'blo~~od~~ oath', he would be told all ~~s~~ the secrets of the society. This rather frightened the witness and he went away. As he also found that the Brahmin and the Sudra members of the society were eating together, he had ~~had~~ very little more to do with Sankarakrishna Aiyar after this. On the next evening there was a similar meeting in the house of Alagappa Pillai (accused 12) who also lives in Shencottah. This was attended by

Arunachalam Pillai	accused	11.
Vanchi Aiyar		
Sankarakrishna Aiyar	,,	2

Harihara Aiyar	accused	7
Jagannatha Aiyangar	„	6
Bapu Pillay	„	8
Alagappa Pillay	„	12
Pichumani Aiyar	„	15 , Dharmaraja

Aiyar and the witness.

The above facts represent the main features of the active connection of this witness with the society. He adds that when he heard of the news of the murder of the Collector by Vanchi Aiyar, he was in the village, and ran away into Travancore, as he was afraid, being a member of the same society as Vanchi.

12. (P.W.70) Tirumalainuttu Pillai is a resident of Pambuli in Tenkasi Taluk. He is a friend of Bapu Pillay (accused 8), who has a house in that village, and whose father-in-law lives there. One day last year, which from his diary he finds to be the 1st of May, he went to Shencottah with Bapu Pillay to the house of Alagappa Pillay. He states that he met accused 2, 6, 8, 11, 12 and Vembu Aiyar alias Mahadeva Aiyar (accused 10), there. He subsequently met Vanchi Aiyar and Jagannatha Aiyangar in the company of Bapu Pillay in Pambuli. They asked him to join their society, and told him that he should take a 'blood oath' to do so. He however refused to do so.

13. P.W. 71 Venkatarama Aiyar belongs to Shencottah. He speaks to the existence of a society at Shencottah, of which he was to some extent a member, to their getting papers from Pondicherry and reading them. He refused to take a blood-oath and therefore never became a full member of the society.

14. This is the general history of the movement in Travancore. Though the society started there about the same time as at Tuticorin, it seems to have been much more active. This might have been due partly to the more active nature of the recruits obtained there, among whom were Vanchi Aiyar, whose home was at Shencottah, and who was employed in Ponalur, and Sankarakrishna Aiyar (accused 2), whose native place was not far off; but the chief reason for the shifting of the centre of activity into Travancore must have been the far smaller chances of their work

being

being discovered, or even taken serious notice of, by the authorities of a native state. This is further evidenced by the fact that after the arrest of the men who were known clearly to be members of the society and the Travancore authorities were beginning to make further enquiries about others, two men committed suicide. One of them was Dharmaraja Aiyar of Shencottah, who had already been noticed, and who took corrosive sublimate after his house had been searched, and before he was arrested. In the search of his house nothing incriminating was however found.

The other was one Venkateswara Aiyar, a pleader of Ponalur. He had been sent for by the Superintendent of Police, Travancore, to appear before him on a certain morning. He was found that morning with gasps on his throat and chest which were self inflicted. He died a few hours later and in his dying declaration stated that he had been sent for by the 'Sahib', that he had heard evidence has been given against him of being a member of the society, but that he had attended the meeting only as some other witnesses had done, and that he too should be examined only as a witness.

15. Nilakantam, the first accused, is undoubtedly the founder of the society here. In his confession made to me the day after he was brought to Tinnevely under arrest, and on the next day, he speaks about his visits to Tenkasi, Tuticorin, Shencottah, and Ponalur in 1910 for the purpose of preaching sedition; he also states that societies as described by the witnesses were founded in Tenkasi, and Tuticorin. In some notes which were found among his papers when he was arrested, and which are in his own handwriting (Exh. LLL). he has described his life during the previous five years as being a series of jumps from

"accountant to actor - from actor to sub-editor - from sub-editor to political preacher, from political preacher to anarchist leader, from anarchist leader to editor again, from editor to author, and lastly from author to a homeless pilgrim in Benares" It might be added that he was arrested in Calcutta, where he had come from Benares to give himself up to the Police. This statement read in connection with the confessions of the accused and the statements of the witnesses as to the formation of the societies at

Ponalur, Tenkasi, Tuticorin and Shencottah, makes it clear that the accused was both political preacher and anarchist leader at the time of his visit to these places.

16. There is evidence to show that accused 1,2,3,4,5,6,7,8,9, 13,14 and 15 formally took a very solemn oath and joined the society. The witnesses who speak to it saw them do so. This is supplemented by the correspondence and papers seized in the possession of the various accused and approvers which show their general connection with each other, and their keen interest in sedition of an extreme type. There is also evidence to show that persons who had not formally taken this oath were not permitted to take part in the secret meetings of the society, whose members had to swear, among other things, not to divulge the inner purposes of the society. One such meeting at least was held in the house of Arunachalam Pillay the 11th accused, which he attended. After it, he tried to persuade a recruit (P.W.66) to join it, telling him about the nature of the oath to be taken. He lived in Shencottah, and was known to move in the ~~xxx~~ society of men who have been proved to have been members of the society. It is also shown that the Brahmin members of the society, the fundamental principle of which seems to have been to sink all differences of caste so far as the members of the society were concerned, ate with him, a Sudra, in his own house.

17. Coming nearer to the time of the murder, there is no doubt that he was at Tinnevely on the 13th and the 14th of June. The entries in his diary support it. One witness, (P.W.59) who knew him well, speaks to the accused going to the Tinnevely Bridge Railway Station on the night of the 13th to meet Vanchi Aiyar, who came by train; to his talking with Vanchi Aiyar and of his making up his mind to go away to Calcutta suddenly. The witness gave him a certificate to enable him to join a college there. Arunachalam Pillay left for Calcutta on the 15th, and in his diary he ~~has~~ has entered the number of the Third Class ticket with which he travelled. He reached Madras and went to the house of a distant relative (P.W. 72) whom he had had nothing to do with for seven years and to whom he had only given an intimation the previous day of his intended arrival. He also pledged some

Jewels in Tinnevely with P.W. 68 rather hurriedly the day before he left. There was money due to him about Rs.800-0-0, on a promissory note payable on demand, from a pleader of Shencottah (P.W. 33) who was a neighbour and a relation to him. The accused had seen him at Shencottah on the 11th but had not told him anything about going to Calcutta, or asked him for any money, although he telegraphed to him from Calcutta on the 19th for money. (Exh. 999).

In great contrast to the very detailed entries in his diary on the 12th, 13th, 14th, 15th and 16th of June (Exh. RR) is the absence of all entries ~~on~~ after that date.

18. These facts go to show that the accused Arunachalam Pillay was a member of the society, that he came to Tinnevely a few days before the murder took place, and left very suddenly for Calcutta without making adequate preparations and with the obvious intention of being able to prove his departure from Tinnevely for Calcutta on the 15th.

19. The accused Alagappa Pillay (accused 12) has been shown to have been in the company of the members of the society, to have attended a meeting of the society in the house of the 11th accused from which persons who had not taken the oath were excluded, and to have had a meeting of the society in his own house.

20. The evidence against the accused Vembu Aiyar (accused 10) may appear at first sight to be somewhat meagre. But there is no doubt that he was in the company of the Shencottah members of the society, and took an interest in their doings. An organization like this society is no ordinary one. Clubs and societies, even of the most innocent social kind, are by no means common features in this part of British India, and they are much less so in a Native State, such as Travancore. No man is ~~likely~~ ^{likely} to be in the company of the members of such a society without being fully aware of its existence, and without having his curiosity roused as to the cause of its existence. The members are not likely to permit him to see much of their company without realising that he is likely to know something of the working of their society. The purpose for which they were organized was no ordinary crime and its general purport would have been fairly clear to him in a short time. He would

would not have continued to be in the company of the members of such a society, if he had not strongly sympathised with them ; and if ~~the~~ he had, there is no doubt he would have soon been made a member , seeing that he was in the company of some of the keenest members of the society, and men who were trying very hard indeed to get fresh recruits.

For these reasons, I must hold that he too was a member of the society, although there is no explicit evidence as to his taking the oath of membership.

21. This traces the history of the connection of all the accused with a society, which was formed for the explicit purpose of obtaining Swaraj. This term was explained to the members of the society by its founder to be the ruling of India by the Indians, after murdering and driving out the English from the country. Their society was to be the precursor of a general revolution, by which they intended to deprive HIS MAJESTY, THE KING EMPEROR of the sovereignty of British India, and it was contemplated to murder European officials generally to achieve this. In pursuance of this conspiracy, one of the members of the society murdered a European official in the person of the late Mr. R.W.D'E. Ashe, Collector of Tinnevely, on the 17th of June last. All the accused have therefore been charged with offence under sections 302, 107, and 111 and 121 A of the Indian Penal Code.

22. Vanchi Aiyar came to Tinnevely on the night of the 13th June (P.W. 59). He stayed in the Hundi- Shop of 'T.S.S.V.' in Tinnevely from the 14th of June to the morning of the 17th, when ~~he~~ left it with Sankarakrishna Aiyar (accused 2) to catch the train by which the late Collector Mr. Ashe travelled. Sankarakrishna Aiyar joined Vanchi Aiyar in Tinnevely on the 16th, and slept with him in the Hundishop on that night. About one o'clock on the afternoon of the 16th, he and Vanchi Aiyar met P.W. 59, a friend of the accused Arunachalam Pillay, near the Tinnevely Post Office, and asked the latter where Arunachalam Pillay was, and seemed disappointed to learn that he had gone to Calcutta. Later on in the same day, at about half past four o'clock Vanchi Aiyar and Sankarakrishna Aiyar went to the house of a dancing-girl (P.W.11).

They were both seen together again going to the Railway Station on the morning of the murder (P.W.12). They were seen together on the platform just before the murderer fired the shot, by P.W. 18 and 19, the sons of the Station Master at Maniyachi. Sankarakrishna Aiyar stood close by when the shot was fired, and was seen to look into the First Class compartment after the shot was fired, and to run away (P.W. 18,19, and 22).

23. The witnesses who speak to these facts did not know Sankarakrishna Aiyar before. P.W.18 and 19 described him to the police ~~at~~ ^{on} the same day. Two persons were arrested who were suspected to be the accomplice. Identification-parades were held on the 20th and the 23rd of June in each of which one of these men were put up. But the witness declared that the man whom they had been was not among the men on the parade. The third was held on the 26th after the arrest of Sankarakrishna Aiyar. He was put up with 24 other persons of whom 14 were brahmins, and he was picked out by the two witnesses, in the presence of the Stationary Sub-Magistrate, Tinnevely, (P.W. 79) who speaks to the proper conduct of the parade.

He was also identified on 14-7-11 in a similar parade by P.W. 22 in my presence, and by P.W. 11 in a parade on the 27th of June.

Thus there is no doubt as to his identity. The evidence that he was an important member of the society with Vanchi Aiyar has already been discussed. All these facts establish beyond all doubt that he ~~has~~ abetted the murder of the Collector by Vanchi Aiyar on the 17th of June, by being present and aiding Vanchi Aiyar. He has therefore been charged under section 302, 107 and 114 of the Indian Penal Code as well.

24. The complaints in these cases were filed before the District Magistrate, Tinnevely, who transferred them to this Court. On his taking cognizance of them and the subsequent transfer, the Government, in the interests of peace and good order, directed in its orders, G.O. Nos. 1289 and 1290, dated the 10th of August and the 15th of August respectively that the provisions of Part I of the Criminal Law Amendment Act (XIV of 1908) shall apply to the proceedings in this Court. The cases have therefore been

been tried under the provisions of that Act, and I hereby direct under section 6(b) of the Act that all the accused be committed to the High Court ^{of Judicature} of Madras for trial.

A. Mc G. C. Tampoe

Sub-Divisional Magistrate,

Tinnevely.

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292/R1/76.

3646/76 309/77

10510/77

13010/95

26/9/07/R1

813/82 RH

1557/RH/B3

451/84

700/R1/84

1207/178

1015/2005

R1(RH)

11344

21/05

1392
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26/9/07

5803/77

712/76 RH

864 RH

1411/R1

307/R1

654/R1

1194/R1

1502/R1

2662/14/77

19/12/97/OBR

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