

Government of Madras

JUDICIAL DEPARTMENT.

CONFIDENTIAL.

} 1912.

Enclosures

Spare copies

G.D. . No. 1220, 31st July 1912.

Tinnevely conspiracy case.

ult of the —, and acknowledging the services rendered by
with the case.

Government of Madras.

JUDICIAL DEPARTMENT.

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Recd.

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G.O. No. 1220, 31st July 1912.

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Reviewing the result of the —, and acknowledging the services rendered by the officers concerned in connection with the case.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

I

G.O. Nos. 1112, 1113, Judicial, dated 8th July 1911.

ABSTRACT.—Passing orders authorizing the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence under section 121-A of the Indian Penal Code against certain persons concerned in the Tinnevely conspiracy; and directing that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No. I on the file of the Sub-Divisional Magistrate, Tinnevely, connected with the murder of Mr. R. W. D'E. Ashe.

G.O. No. 1127-A, Judicial, dated 11th July 1911.

ABSTRACT.—Directing that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No. II on the file of the Sub-Divisional Magistrate, Tinnevely, connected with the murder of Mr. R. W. D'E. Ashe.

G.O. No. 1135, Judicial, dated 12th July 1911.

ABSTRACT.—Appointing the Hon'ble Mr. T. Richmond to be Public Prosecutor for the conduct of the Tinnevely prosecutions.

G.O. No. 1206, Judicial, dated 27th July 1911.

ABSTRACT.—Authorizing, under section 196, Criminal Procedure Code, the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence punishable under section 121-A, Indian Penal Code, against certain persons concerned in the Tinnevely case.

G.O. No. 1304, Judicial, dated 14th August 1911.

ABSTRACT.—Instructing the Government Pleader to oppose any application that may be made on behalf of the accused in the Tinnevely cases to take down evidence.

G.O. Nos. 1308, 1309, Judicial, dated 15th August 1911.

ABSTRACT.—Issuing orders applying, with the sanction of the Governor-General in Council, Part I of Act XIV of 1908 to proceedings in Preliminary Register Cases Nos. 3, 4, 5 and 6 on the file of the Sub-Divisional Magistrate, Tinnevely.

Letter No. 1418, Judicial, dated 7th September 1911.

ABSTRACT.—Forwarding to the Government of India copies of charges and commitment order in the Tinnevely murder case.

G.O. Nos. 474, 475, Judicial, dated 23rd March 1912.

ABSTRACT.—Directing the withdrawal of the charge of abetment of murder against the second accused in the Tinnevely conspiracy case and addressing the Government of India.

II

Telegram—from the Honourable the Advocate-General, Madras.

To—the Chief Secretary to Government.

Dated—the 17th April 1912.

High Court refuses to interfere with conviction of accused by Special Bench.

III

Telegram—from the Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—Ootacamund, the 18th April 1912.
No.—253, Judicial.

Reference correspondence ending [with] this Government's letter 475, Judicial, 23rd March 1912, regarding Tinnevely conspiracy and paragraph 2 [of] letter 672-1, Judicial, 2nd March. High Court refuses [to] interfere with conviction of accused by Special Bench. Copies of judgment will be forwarded in due course.

IV

Official Memorandum No. 1286-2, Judicial, dated 18th April 1912.

With reference to his telegram, dated the 17th instant, reporting the result of the reference to the Full Bench in the Tinnevely conspiracy case, the Honourable the Advocate-General is requested to be so good as to obtain and forward to Government 35 copies of the High Court's judgment for transmission to the Government of India and for record in this office.

(By Order.)

S. H. SLATER,
Under Secretary to Government.

To the Government Solicitor.

V

Letter—from the Hon'ble Mr. C. F. NAPIER, Acting Advocate-General, Madras.
To—the Chief Secretary to Government.
Dated—the 17th April 1912.
No.—417.

I have the honour to inform Government that the High Court delivered judgment to-day on the application by several accused to review the judgment of the Special Bench in the case against Nilakantan and others. The Court by a majority of four to one held that the evidence of the approvers given to the Police Inspector was on one ground or another inadmissible, but by a majority of three to two the Court held that the subsequent statements of the approvers to the Divisional Magistrate being accepted by the Special Bench as of equal value, there was no occasion for a review, relying on certain words in the judgment to the effect that the Court would have come to the same conclusion apart from the very first statements made to the Police officer.

In the result all the petitions were dismissed.

VI

Letter—from the Hon'ble Mr. C. F. NAPIER, Acting Advocate-General, Madras.
To—the Chief Secretary to Government.
Dated—the 30th April 1912.
No.—447.

With reference to the Government Memorandum No. 1286-2, Judicial, dated 18th April 1912, I have the honour to forward, under separate cover, 35 copies of the judgments of the High Court on the various petitions to review the judgment of the Special Bench in the Tinnevely conspiracy case. As the Government is aware, these objections were based on certificates given by the *ex*-Advocate-General under the Letters Patent and raised two questions (1) whether the first statements made to the Police Inspector by the two approvers can be proved, (2) whether the Court rightly apprehended the law on the subject of accomplices' evidence. Three objections were raised in connection with the first point. On one of them the Court was unanimously of opinion that the objection was untenable. On another the Court held different opinions. The majority of the Court consisting of Mr. Justice Benson, Mr. Justice Wallis and Mr. Justice Abdur Rahim held that these statements were confessions

inadmissible in evidence under section 25 of the Evidence Act. The other two Judges held that they were admissible in spite of that section. On the third point the majority of the Court consisting of Mr. Justice Benson, Mr. Justice Wallis and Mr. Justice Miller held that the statements were not rendered inadmissible by the language of section 157 of the Evidence Act which requires that the statements should be made before an *authority legally competent* to investigate the fact. The difficulty was whether an Inspector of the Criminal Investigation Department came within that description. The majority held that he did. On this point I have the greatest doubt and I think that steps should be taken to put the powers of investigation on a surer legal footing for the purposes of the Criminal Procedure Code. I have a reference by the Inspector-General of Police on the subject. On the second point the Court delivered judgments which, from their complexity, leave the question still not quite clear, but all the Judges except Mr. Justice Abdur Rahim concurred in thinking that the Special Bench had not misapprehended the law on the subject. The result was that the evidence of the Police Inspector as to what he was told by the two approvers was held inadmissible under section 25 of the Evidence Act. But the majority of the Court were of opinion that the Special Bench had believed the accomplices, apart from those first statements to the Police Inspector as there were subsequent statements made three days afterwards to a magistrate to which no objection could be taken, and acting on that view the Court declined to interfere with the decision.

2. The result of the whole trial is that out of fourteen persons charged with treasonable conspiracy under section 121-A of the Penal Code and abetment of murder under sections 114 and 302 of the Penal Code, all have been acquitted on the charge of abetment of murder and nine have been convicted under section 121-A. I have always anticipated that the charge of abetment of murder would fail in view of the fact sworn to by all the approvers that isolated murder was not contemplated as a method of the conspiracy. With regard to the conviction I venture to think that the result is extremely satisfactory, for in no conspiracy trial in any other part of India has anything like so high a proportion of convictions been obtained. I consider this very largely due to the fact that the investigation was conducted by senior officers of the Police Department who exercised the closest control over the Inspectors employed in the case. As I have been engaged in the case since the beginning and had therefore every opportunity of knowing what was done from the beginning of the enquiry, I should like to say, if I may, how much the prosecution are indebted to the energy and care of the District Magistrate of Tinnevely and to his readiness and anxiety to record all statements at the very earliest opportunity. Also if I may say so, I desire to acknowledge the ability and perspicacity of the Deputy Inspector-General, Criminal Investigation Department, in the sifting of the evidence put before him, a large mass of which he rejected, and it is only due to him that I should inform Government that the one weak part of the case which partially broke down rested on evidence as to which he expressed great doubts at the beginning of the enquiry. I and my colleague thought the evidence should be put in and it was used. But with regard to some of it the Deputy Inspector-General's doubts were justified. I desire also to bring to the notice of Government the great assistance that I received from Mr. Sundara Sastri, Public Prosecutor of Tinnevely, who prepared a most careful analysis of the whole of the evidence and had a complete knowledge of the records.

3. The trial of the above case occupied nine days and the delivery of judgment one day. I request sanction for payment of Rs. 2,500 on account of my fees for all the ten days I attended at the rate of Rs. 250 *per diem*.

VII

Letter—from the Hon'ble Mr. A. G. CARDEW, O.S.I., Acting Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Ootacamund, the 15th May 1912.

No.—1286-3, Judicial.

In continuation of this Government's telegram No. 253, Judicial, dated the 18th April 1912, I am directed to forward, for the information of the Government of India, twenty-five copies of the judgments of the High Court in Criminal Miscellaneous

Petitions Nos. 63—72, 76, 79 and 80 of 1912 dismissing the petitions under section 26 of the Letters Patent for a review of the previous judgments of the Court in Tinnevely conspiracy case (Special Bench Case No. 1 of 1911).

Order—No. 1220, Judicial, dated 31st July 1912.

The papers read above relate to the criminal proceedings, known as the Tinnevely Conspiracy Case, instituted subsequent to the murder on the 17th June 1911 of Mr. Ashe, Collector and District Magistrate of Tinnevely, by one Vanchi Aiyar of Shencottah. The murderer himself committed suicide, as did two other persons who were believed to be implicated. The preliminary inquiry was held by Mr. Tampoe, who on the 30th August 1911 committed fourteen persons for trial by the High Court under section 6 (b) of the Indian Criminal Law Amendment Act, 1908 (Act XIV of 1908). They were charged with treasonable conspiracy, an offence punishable under section 121-A of the Indian Penal Code, and also with the murder of Mr. Ashe by engaging in a conspiracy, offences punishable under sections 302, 109 and 111, Indian Penal Code. After a prolonged trial lasting over five months, the Special Bench of the High Court, on the 15th February 1912, convicted nine of the fourteen accused on the first count and sentenced them to varying terms of imprisonment. They were all acquitted on the second count. Petitions were presented to the High Court under section 26 of the Letters Patent on behalf of all but one of the convicts praying that on certain points of law certified by the Advocate-General the judgments of the Special Bench might be reviewed by the High Court. These petitions came on for hearing on the 7th March 1912 before a Full Bench of the High Court and were disposed of on the 17th April 1912. With his letter read above, dated the 30th April 1912, the Honourable the Advocate-General has forwarded the judgments of the Full Bench dismissing all the petitions.

2. The criminal proceedings have thus at length been brought to a satisfactory conclusion, and His Excellency the Governor in Council recognizes that this result is in a large measure due to the zeal and willing co-operation of the officers entrusted with the investigation and conduct of the case. The Governor in Council has great pleasure in acknowledging the excellent service rendered in the conduct of the case both as Government Pleader and Advocate-General by the Hon'ble Mr. Napier, who was ably assisted by the Hon'ble Mr. T. Richmond, Barrister-at-Law, and M.R. Ry. Rao Bahadur A. Sundara Sastriar Avargal, Public Prosecutor, Tinnevely. His Excellency in Council also desires to acknowledge the excellent work done by Mr. H. F. W. Gillman, I.C.S., District Magistrate of Tinnevely, Mr. P. B. Thomas, Deputy Inspector-General of Police, Railways, and Criminal Investigation Department, and Mr. F. A. Hamilton, District Superintendent of Police, Tinnevely, in investigating and working up the case. Special credit is, in his opinion, due to Messrs. Gillman and Hamilton and the success of the investigation was largely owing to the commendable promptitude with which the latter followed up the clue furnished by the letter found in the murderer's pocket. The Governor in Council also notes with satisfaction the testimony borne by the Inspector-General of Police to the good work done by Deputy Superintendent T. Venkoba Rao and the undermentioned officers of the subordinate police staff, namely:—

- (1) Inspector E. Subramania Pillai, Tinnevely district.
- (2) Inspector E. Viraraghavayya, Criminal Investigation Department.
- (3) Inspector V. Rajagopalachariar, Tinnevely district.
- (4) Inspector P. Balakrishna Menon, Criminal Investigation Department.
- (5) Sub-Inspector P. T. Kannan, Criminal Investigation Department.
- (6) Sub-Inspector Paul T. Doraiswamy, Criminal Investigation Department.
- (7) Sub-Inspector Ramachandra Aiyar, Tinnevely district.
- (8) Sub-Inspector Thambiappa Mudaliyar, Criminal Investigation Department.
- (9) Sub-Inspector T. V. Swaminatha Aiyar, Criminal Investigation Department.
- (10) Sub-Inspector Nellaperumal Pillai, Tinnevely district.
- (11) Sub-Inspector Masilamani Nadar, Tinnevely district.
- (12) Sub-Inspector P. S. Venkatagiri Sarma, Tinnevely district.
- (13) Sub-Inspector Gopaul Pillai, Tinnevely district.
- (14) Sub-Inspector Suryanarayana Pillai, Tinnevely district.

3. The Government observe that one important offender, Madasami, is still absconding. Every endeavour should be made to arrest and bring him to trial.

(True Extract.)

A. G. CARDEW,
Ag. Chief Secretary.

To the Hon'ble Mr. Justice C. F. Napier, Bar.-at-Law.	} (Q of II, IV and V and para. 1 and 2 of Order).
„ the Hon'ble Mr. T. Richmond, Bar.-at-Law.	
„ M. R. Ry. Rao Bahadur A. Sundara Sastriar Avargal.	
„ E. W. Gilman, Esq., I.C.S.	
„ P. B. Thomas, Esq.	} (Q of II, IV and V and Order).
„ the Inspector-General of Police,	
„ the Deputy Inspector-General of Police, Railways and Criminal Investigation Department.	
„ the District Magistrate, Tinnevely.	

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 1220, JUDICIAL, DATED
31st JULY 1912.

[SUBJECT.—*Tinnevely conspiracy case.*]

I

See Civil List, January, page 181—P. B. Thomas, Deputy Inspector-General for Criminal *Intelligence* and Railways.

Compare History of Gazetted Officers' Services, page 573—P. B. Thomas, Deputy Inspector-General, Criminal *Investigation* Department and Railways.

Which of these two styles is right? How were he and his predecessors gazetted?

A. G. CARDW—1-4-12.

Please see G.Os. R. Nos. 654, Judicial, dated 8th August 1906, 1328, Judicial, dated 26th December 1908, and 117, Judicial, dated 8th February 1910. In all these cases the appointment was gazetted as Deputy Inspector-General of Police for Criminal *Intelligence* and Railways. In the recent notification regarding Mr. Thomas' leave it was also gazetted as Deputy Inspector-General of Police for Criminal *Intelligence* and Railways. The expression "Criminal Investigation Department" is used when the department is referred to, as will be seen from Home Department letter No. 328—333, Police, dated 19th February 1912; and the expression "Criminal Intelligence and Railways" is used when the officers are referred to. The head of the Imperial Department is called Director of Criminal Intelligence. The designation "Deputy Inspector-General of Police for Criminal Intelligence and Railways" would therefore seem to be the correct form of address.

G.O. 265 R., Judicial, 26th February 1912.

P.D.R.—1-4-12.

S.D.—1-4-12.

Chief Secretary—

C. W. E. COTTON—1-4-12.

Have we received copy of the order of the High Court on the Advocate-General's reference in the Tinnevely conspiracy case? If not, please call for it, and please put up the judgment of the Special Bench in the same case.

A.G.C.—21-5-12.

Deputy Secretary—

Judgments in Special Bench Case No. 1 of 1911 and in Criminal Miscellaneous Petitions on the Advocate-General's reference are submitted.

S.D.—22-5-12.

T.V.T.—24-5-12.

Chief Secretary—

C.W.E.C.—26-5-12.

II

Demi-official—from the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to Government.

To—C. B. COTTERELL, Esq., I.C.S., Private Secretary to His Excellency the Governor.

Dated—Ootacamund, the 17th April 1912.

No.—1286/B-1, Judicial.

I have just received the following message from the Advocate-General, Madras:—

“High Court refuses to interfere with conviction of accused by Special Bench.”

I think His Excellency may like to know this. I tried to communicate with you by telephone, but your people were unable to hear what I said.

Telegram from the Honourable the Advocate-General, dated 17th April 1912.

Under Secretary—

A draft telegram to the Government of India and a draft official memorandum to the Advocate-General are submitted for approval.

T.V.T.—18-4-12.

Issue.

S. H. SLATER—18-4-12.

[Issued as Telegram to the Government of India, Home Department, No. 253, dated 18th April 1912—**III**.]

[Issued as Official Memorandum No. 1286-1, Judicial, dated 18th April 1912, to the Government Solicitor—**IV**.]

V

Letter from the Honourable the Advocate-General, No. 417, dated 20th April 1912.

Under Secretary—

The Advocate-General's communication is submitted for perusal. Copies of the High Court's judgment called for on the 18th instant may be awaited.

T.V.T.—23-4-12.

Chief Secretary—

L. J. P. JOLLY—23-4-12.

Honourable Member—

For perusal.

As soon as the judgment is received further action will be taken.

A.G.C.—23-4-12.

H. A. S[UART]—24-4-12.

Demi-official—from C. F. NAPIER, Esq., Bar-at-Law.

To—the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to Government.

Dated—Madras, the 30th April 1912.

I have to-day sent a short report on the Special Bench case. I have mentioned how valuable Gillman's and Thomas' work was. I don't know if that is irregular coming from me about officers of their standing, but it is genuine.

VI

Letter from the Honourable the Advocate-General, No. 447, dated 30th April 1912.

Under Secretary—

Before any further action is taken 25 copies of the judgment may be forwarded to the Government of India. They have already been supplied with the same number of copies of the judgment of the Special Bench.

Please see the telegram in G.O. 474, 475, Judicial, 23rd March 1912.

Draft submitted.

T.V.T.—13-5-12.

Issue.

L.J.P.J.—14-5-12.

[Issued as letter to the Government of India, Home Department, No. 1286-3, Judicial, dated 15th May 1912—VII.]

Under Secretary—

The letter to the Government of India having issued the file is re-submitted with spare copies of the judgment.

2. Attention is invited to Mr. Napier's remarks as to the legal status of an Inspector of the Criminal Investigation Department. It is for orders whether on this point the remarks of the Inspector-General of Police may be invited.

T.V.T.—25-5-12.

Since Mr. Napier has a reference from the Inspector-General of Police we may as well ask the latter to send us his opinion.

L.J.P.J.—25-5-12.

Chief Secretary—

The papers in this file relate to the detection and prosecution of the parties to the conspiracy brought to light in the Tinnevely district by the murder of Mr. Ashe. It is submitted that the file may now be closed and the papers recorded; the side issue raised by Mr. Napier about the legal status of members of the Criminal Investigation Department as investigating officers may be dealt with separately.

Before the matter is finally closed it is perhaps for the consideration of Government whether any officers concerned in the unravelling of the case deserve special thanks.

L.J.P.J.—25-5-12.

Honourable Member—

H.E. the Governor—

Mr. Napier's letter No. 447, dated 30th April 1912, refers to the several points urged before the High Court in a very confusing way. Mr. Justice Sundara Aiyar's judgment discusses all the points very clearly and if read first will be found, I think, to facilitate the perusal of the other judgments.

2. The particular case dealt with in these prolonged legal proceedings is now presumably closed and in a generally satisfactory way. We may hope that no attempt will be made to carry it to the Privy Council. I think the thanks of Government should be conveyed confidentially to Mr. Napier, Mr. Gillman and Mr. Thomas; also perhaps to Mr. Sundara Sastri of Tinnevely.

3. Separate action will need to be taken to ensure that all officers of the Criminal Investigation Department and Railway Branch of the Police have full powers of investigation throughout the area for which they are appointed. This should be, I think, the presidency, but perhaps the Inspector-General should be asked for his opinion on this point. When the area has been determined an order of Government specifically referring to section 551, Criminal Procedure Code, should be issued defining the local area over which these officers are to exercise the powers referred to in that section.

4. I think the opportunity might be taken to introduce some uniformity into the nomenclature of the "Criminal Investigation Department"—*vide* my note, dated 1st April 1912, on page 1. I would adopt "Criminal Investigation" rather than "Criminal Intelligence."

A.G.C.—31-5-12.

I have been through the judgment and my analysis of the findings is as follows:—

First point.—Benson, Wallis and Miller for the finding of the majority of the Special Bench, Abdur Rahim against, and Sundara Aiyar doubtful.

Second point.—Benson, Wallis and Miller for, Sundara Aiyar against, and Abdur Rahim doubtful.

Third point.—Benson, Wallis and Miller for, Abdur Rahim and Sundara Aiyar against.

Fourth point.—Miller and Abdur Rahim for, Benson, Wallis and Sundara Aiyar against.

Fifth point.—All five judges agree with the Special Bench.

2. We should now issue an order acknowledging the excellent work done by Mr. Napier and the counsel who assisted him, Mr. Gillman, Mr. Thomas and Mr. Hamilton. Some of the subordinate police officers also did good work, I believe, and I would make an unofficial reference to Mr. Cowie and ask him which of them, if any, should be mentioned in the Government Order. The main credit, in my opinion, is due to Mr. Hamilton and Mr. Gillman, especially the former, and I would mention with approbation his prompt action in following up the clue furnished by the letter found in the murderer's pocket. I am rather surprised that the Inspector-General has not made any report to the Government about this case. It was surely his business to bring to notice the good work done by the police and also to give us some general account of the case from a police point of view. The Inspector-General should not take up an attitude of detachment from the Criminal Investigation Department.

3. The Deputy Inspector-General in charge of the Criminal Investigation Department should be styled "Deputy Inspector-General, Railways and Criminal Investigation Department." The expression "Criminal Intelligence" should not be used. The Simla Officer is called the Director of Criminal Intelligence, because his main functions are the collection, collation and dissemination of intelligence about crime and criminals. Investigation is no part of his ordinary functions. On the other hand, investigation is a very important part of the functions of the Provincial departments and both the Police Commission and the Government of India have always called them "Criminal Investigation Departments."

4. Turning now to the question of giving authority to the officers of the Criminal Investigation Department to exercise throughout the presidency the powers which may be exercised by an officer in charge of a police station within the limits of his station, I am somewhat doubtful whether it will be sufficient to declare that all officers of the department are appointed for the whole presidency. That would give the necessary authority to Inspectors and officers of higher rank, but it would exclude sub-inspectors as they are not superior in rank to an officer in charge of a police station. I would ask Mr. Cowie whether he thinks it necessary that sub-inspectors should be given the powers of an officer in charge of a police station throughout the presidency. If he can show good reasons for this, we might ask the Government of India to add a sub-section to section 551 when they amend the Code of Criminal Procedure.

5. The prosecution has on the whole been successful though it is unfortunate that we could not secure the conviction of Sankarakrishna Aiyar for abetment of Mr. Ashe's murder. One important offender, Madaswami Pillai, is still absconding. Mr. Justice Sankaran Nair told me that he thought that he was the worst of the gang. The police must make every effort to capture him, for I regard his conviction as most important. In spite of the protracted character of the proceedings before the Special Bench I am in favour of the special procedure being applied to Madaswami's case also if he is caught. His trial should not be unduly long and we are not likely to have any reference to a Full Bench under the Letters Patent. If the ordinary procedure were adopted, we should run the risk of re-creating much local excitement, since we should have one public hearing before the committing magistrate and another long public hearing before the Sessions Court, and finally an appeal to the High Court. Under the special procedure we shall have only one public hearing and that will be in Madras.

6. Some of the convicted accused may perhaps be willing to give information. Nilakantan could, if he likes, tell us a good deal, and I should be quite willing to give him a remission of a portion of his sentence in return for information of value. He is not a really dangerous man though he has got the longest sentence. His principal object, I believe, was to get money for himself. He is a common adventurer rather than a fanatical patriot.

Note.—I have retained one copy of the judgment of the Full Bench. I should also like a copy of the judgment of the Special Bench for perusal at leisure.

H. A. S[TRUAT]—5-6-12.

I agree with my Honourable Colleague on all points.

Please get me a copy of the *Full Bench* judgments. I desire to read them again.

M. H[AMMICK]—6-5-12.

Please make an unofficial reference to the Inspector-General of Police and request him to report which, if any, of the police officers below the rank of Assistant Superintendent who were employed in connection with the Tinnevely conspiracy case, did good service deserving of the thanks of Government.

2. A *separate* and official reference may be made to the Inspector-General about empowering Sub-Inspectors of the Criminal Investigation Department to exercise the powers of an officer in charge of a police station.

Extract given to the A section.

T.V.T.—8-6-12.

3. A separate and confidential *u.o.* reference may go to the Deputy Inspector-General of Police, Railways and Criminal Investigation regarding Madaswami and Nilakantan. There is another reference about getting information from the latter.

Done.

T.V.T.—9-6-12.

Perhaps it will be best to take an extract from the Honourable Member's note on that point and add it to the other file.

Has any reward for the apprehension of Madaswami been offered?

4. Meanwhile a draft order closing the file should be prepared without excessive delay.

Action taken separately.

T.V.T.—14-6-12.

5. Please supply to Honourable Member and His Excellency the Governor the copies of judgments desired.

A.G.C.—7-6-12.

Under Secretary—

With reference to the Chief Secretary's note above the Inspector-General of Police may be requested *u.o.* to furnish the information desired.

T.V.T.—8-6-12,

Yes.

L.J.P.J.—8-6-12.

OFFICE OF THE INSPECTOR-GENERAL OF POLICE.

The officers named below, who were employed in connection with the Tinnevely conspiracy case, did good service deserving of the thanks of Government. They have all been rewarded by me with promotion, but I consider that they also merit special recognition from Government and such recognition will undoubtedly be thoroughly appreciated.

(1)	M.R.Ry.	E. Subramania Pillai	Inspector, Tinnevely district.
(2)	"	R. Viraraghavayya	do. Criminal Investigation Department.
(3)	"	V. Rajagopalachariar	do. Tinnevely district.
(4)	"	P. Balakrishna Menon	do. Criminal Investigation Department.
(5)	"	P. T. Kanuan,	Sub-Inspector, Criminal Investigation Department.
(6)	"	Paul T. Duraiswami	do. do.
(7)	"	Ramachandra Aiyar	do. Tinnevely district.
(8)	"	Thambiappa Mudaliyar	do. Criminal Investigation Department.
(9)	"	T. V. Swaminatha Aiyar	do. do.
(10)	"	Nellaperumal Pillai	do. Tinnevely district.
(11)	"	Masilamani Nadar	do. do.
(12)	"	P. S. Venkatagiri Sarma	do. do.
(13)	"	Gopaul Pillai	do. do.
(14)	"	Suryanarayana Pillai	do. do.

I am addressing Government officially regarding the police officers of the Travancore State whose services merit special recognition.

D. W. G. COWIE—15-7-12.

JUDICIAL DEPARTMENT.

Under Secretary—

A draft order is submitted for approval.

2. As it will be more appropriate to recognize the services of Travancore officials in a separate communication to the Darbar, it does not appear necessary to await the official communication promised by the Inspector-General at the end of his note.

3. Mr. Hamilton's name is not included among the addressees as the Inspector-General may be expected to communicate the Government Order to him. This is for orders.

4. With reference to the Chief Secretary's query in paragraph 3 of his note, it is submitted that a reward of Rs. 1,000 has been offered for the arrest of Madaswami.

T.V.T.—18-7-12.

Chief Secretary—

The Government Order may be marked confidential.

A.G.C.—18-7-12.

For orders whether the Government Order should be confidential and, if not, whether paragraph 3 should be included.

L.J.P.J.—18-7-12.

Honourable Member (Judicial) (to await return from tour)—

H.E. the Governor—

For approval.

A.G.C.—18-7-12.

I have made a few alterations.

H. A. S[UART]—29-7-12.

Approved.

M. H[AMMICK]—30-7-12.

Issue.

A.G.C.—31-7-12.

[G.O. No. 1220, Judicial, dated 31st July 1912.]

JUDICIAL DEPARTMENT.

Deputy Secretary—

Please see paragraph 6 of Honourable Member's note on page 10 of Notes to G.O. Nos. 1300-01, dated 16th August 1912, in which the Honourable Member wanted to know why the names of Deputy Superintendents T. Venkoba Rao and Muhammad Abdul Karim Farukhi were omitted by the Inspector-General of Police from the list of officers deserving recognition at the hands of Government. The Inspector-General of Police, in reply to a reference made to him, stated that the omission of the name of T. Venkoba Rao from the list was due to an oversight on his part, but that Muhammad Abdul Karim Farukhi never had any direct connection with the Ashe Murder Case. T. Venkoba Rao is one of the officers who have been recommended for the grant of the King's Police Medal for this year.

For orders whether a formal order may now issue recognising his services.

C.H.S.—26-8-12.

T.V.T.—26-8-12.

Under Secretary—

Under the personal orders of the Deputy Secretary, the words "Deputy Superintendent T. Venkoba Rao and" have been added between the words "by" and "the" at paragraph 2, line 17, of G.O. No. 1220, Judicial, dated 31st July 1912.

Orders are solicited as to whether the press may be instructed to reprint pages 5 and 6 of the Government Order as thus revised, and also to print these notes in continuation of the notes to that Government Order. A revised copy of the Government Order will be despatched to the Inspector-General.

S.D.—3-9-12.

Yes.

S. H. SLATER—6-9-12.

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207
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Proof for approval -
Copy 3/8/12

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 1220, JUDICIAL, DATED
31st JULY 1912.

[SUBJECT.—*Tinnevelly conspiracy case.*]

I

See Civil List, January, page 181—~~Percy~~ B. Thomas, Deputy Inspector-General for Criminal *Intelligence* and Railways.

Compare History of Gazetted Officers' Services, page 573—P. B. Thomas, Deputy Inspector-General, Criminal *Investigation* Department and Railways.

Which of these two styles is right? How ~~was~~ he and his predecessors gazetted? were

A. G. CARDERW—1-4-12.

Please see G.Os. R. Nos. 654, Judicial, dated 8th August 1906, 1328, Judicial, dated 26th December 1908, and 117, Judicial, dated 8th February 1910. In all these cases the appointment was gazetted as Deputy Inspector-General of Police for Criminal *Intelligence* and Railways. In the recent notification regarding Mr. Thomas' leave it was also gazetted as Deputy

G.O. 265 R., Judicial, 26th February 1912.

Inspector-General of Police for Criminal *Intelligence* and Railways. The expression "Criminal Investigation Department" is used when the department is referred to, as will be seen from Home Department letter No. 328—333, Police, dated 19th February 1912; and the expression "Criminal Intelligence and Railways" is used when the officers are referred to. The head of the Imperial Department is called Director of Criminal Intelligence. The designation

"Deputy Inspector-General of Police for Criminal Intelligence and Railways" would therefore seem to be the correct form of address.

P.D.R.—1-4-12.

S.D.—1-4-12.

Chief Secretary—

C. W. E. COTTON—1-4-12.

Have we received copy of the order of the High Court on the Advocate-General's reference in the Tinnevelly conspiracy case? If not, please call for it, and please put up the judgment of the Special Bench in the same case.

A.G.C.—21-5-12.

To Deputy Secretary—

Judgments in Special Bench case No. 1 of 1911 and in Criminal Miscellaneous Petitions on the Advocate-General's reference are submitted.

S.D.—22-5-12.

T.V.T.—24-5-12.

Chief Secretary—

C.W.E.C.—26-5-12.

stab
A"
see remarks
on page 3
infra

X

II

Demi-official—from the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to Government.

To—C. B. COTTERELL, Esq., I.C.S., Private Secretary to His Excellency the Governor.

Dated—Ootacamund, the 17th April 1912.

No.—1286/B-1, Judicial.

I have just received the following message from the Advocate-General, Madras:—

“High Court refuses to interfere with conviction of accused by Special Bench.”

I think His Excellency may like to know this. I tried to communicate with you by telephone, but your people were unable to hear what I said.

Telegram from the Honourable the Advocate-General, dated 17th April 1912.

Under Secretary—

A draft telegram to the Government of India and a draft official memorandum to the Advocate-General are submitted for approval.

T.V.T.—18-4-12.

Issue.

S. H. SLATER—18-4-12.

[Issued as Telegram to the Government of India, Home Department, No. 253, dated 18th April 1912—III.]

[Issued as Official Memorandum No. 1286-1, Judicial, dated 18th April 1912, to the Government Solicitor—IV.]

V

Letter from the Honourable the Advocate-General, No. 417, dated 20th April 1912.

Under Secretary—

The Advocate-General's communication is submitted for perusal. Copies of the High Court's judgment called for on the 18th instant may be awaited.

T.V.T.—23-4-12.

Chief Secretary—

L. J. P. JOLLY—23-4-12.

Honourable Member—

For perusal.

As soon as the judgment is received further action will be taken.

A.G.C.—23-4-12.

H. A. S[UART]—24-4-12.

Demi-official—from C. F. NAPIER, Esq., Bar-at-Law.

To—the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to Government.

Dated—Madras, the 30th April 1912.

I have to-day sent a short report on the Special Bench case. I have mentioned how valuable Gillman's and Thomas' work was. I don't know if that is irregular coming from me about officers of their standing, but it is genuine.

VI

Letter from the Honourable the Advocate-General, No. 447, dated 30th April 1912.

Under Secretary—

Before any further action is taken 25 copies of the judgment may be forwarded to the Government of India. They have already been supplied with the same

Please see the telegram in G.O. 474, 475. number of copies of the judgment of the Special Bench.

Draft submitted.

T.V.T.—13-5-12.

Issue.

L.J.P.J.—14-5-12.

[Issued as letter to the Government of India, Home Department, No. 1286-3, Judicial, dated 15th May 1912—VII.]

principal object, I believe, was to get money for himself. He is a common adventurer rather than a fanatical patriot.

Note.—I have retained one copy of the judgment of the Full Bench. I should also like a copy of the judgment of the Special Bench for perusal at leisure.

H. A. S[TUART]-5-6-12.

I agree with my Honourable Colleague on all points.

Please get me a copy of the *Full Bench* judgments. I desire to read them again.

M. H[AMMICK]-6-5-12.

Please make an unofficial reference to the Inspector-General of Police and request

Action taken separately.

T.V.T.-8-6-12.

him to report which, if any, of the police officers below the rank of Assistant Superintendent who were employed in connection with the Tinnevely conspiracy case, did good service deserving of the thanks of Government.

2. A separate and official reference may be made to the Inspector-General about empowering Sub-Inspectors of the Criminal Investigation Department to exercise the

Extract given to the A section.

T.V.T.-8-6-12.

powers of an officer in charge of a police station.

3. A separate and confidential *u.o.* reference may go to the Deputy Inspector-General of Police, Railways and Criminal Investigation regarding Madaswami and Nilakantan. There is another reference about getting information from the latter.

Done.

T.V.T.-9-6-12.

Perhaps it will be best to take an extract from the Honourable Member's note on that point and add it to the other file.

Has any reward for the apprehension of Madaswami been offered?

4. Meanwhile a draft order closing the file should be prepared without excessive delay.

Action taken separately.

T.V.T.-14-6-12.

5. Please supply to Honourable Member and His Excellency the Governor the copies of judgments desired.

A.G.C.-7-6-12.

Extract from the Chief Secretary's notes in connection with Current No. 1510 of 1912.

Please make an unofficial reference to the Inspector-General of Police and request him to report which, if any, of the Police officers below the rank of Assistant Superintendent who were

I have returned papers to Chief Secretary.

D. W. G. Cowie-12-7-12.

employed in connection with the Tinnevely conspiracy case did good service deserving of the thanks of Government.

A.G.C.-7-6-12.

Under Secretary—

With reference to paragraph 1 of the Chief Secretary's note above the Inspector-General of Police may be requested *u.o.* to furnish the information desired.

T.V.T.-8-6-12.

Yes.

L.J.P.J.-8-6-12.

OFFICE OF THE INSPECTOR-GENERAL OF POLICE.

The officers named below, who were employed in connection with the Tinnevely conspiracy case, did good service deserving of the thanks of Government. They have all been rewarded by me with promotion, but I consider that they also merit special

recognition from Government and such recognition will undoubtedly be thoroughly appreciated.

- | | | |
|------|-------------------------------|---|
| (1) | M.R.Ry. E. Subramania Pillai, | Inspector, Tinnevely district. |
| (2) | " R. Viraraghavaya, | do. Criminal Investigation Department. |
| (3) | " V. Rajagopalachariar | do. Tinnevely district. |
| (4) | " P. Balakrishna Menon | do. Criminal Investigation Department. |
| (5) | " P. T. Kannan, | Sub-Inspector, Criminal Investigation Department. |
| (6) | " Paul T. Duraiswami | do. do. |
| (7) | " Ramachandra Aiyar | do. Tinnevely district. |
| (8) | " Thambiappa Mudaliyar | do. Criminal Investigation Department. |
| (9) | " T. V. Swaminatha Aiyar | do. do. |
| (10) | " Nellaperumal Pillai | do. Tinnevely district. |
| (11) | " Masilamani Nadar | do. do. |
| (12) | " P. S. Venkatagiri Sarma | do. do. |
| (13) | " Gopaul Pillai | do. do. |
| (14) | " Suryanarayana Pillai | do. do. |

I am addressing Government officially regarding the police officers of the Travancore State whose services merit special recognition.

D. W. G. COWIE—15-7-12.

JUDICIAL DEPARTMENT.

Under Secretary—

A draft order is submitted for approval.

2. As it will be more appropriate to recognize the services of Travancore officials in a separate communication to the Darbar, it does not appear necessary to await the official communication promised by the Inspector-General at the end of his note.

3. Mr. Hamilton's name is not included among the addressees as the Inspector-General may be expected to communicate the Government Order to him. This is for orders.

4. With reference to the Chief Secretary's query in paragraph 1 of his note, it is submitted that a reward of Rs. 1,000 has been offered for the arrest of Madaswami.

Please see Special Branch Circular No. I, 14th December 1911.

T.V.T.—18-7-12.

Chief Secretary—

The Government Order may be marked confidential.

A.G.C.—18-7-12.

For orders whether the Government Order should be confidential and, if not, whether paragraph 3 should be included.

L.J.P.J.—18-7-12.

Honourable Member (Judicial) (to await return from tour)—

H.E. the Governor—

For approval.

A.G.C.—18-7-12.

I have made a few alterations.

H. A. S[TUART]—29-7-12.

Approved.

M. H[AMMICK]—30-7-12.

Issue.

A.G.C.—31-7-12.

[G.O. No. 1220, Judicial, dated 31st July 1912.]

CONFIDENTIAL.GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following papers:—

I

G.O. Nos. 1112, 1113, Judicial, dated 8th July 1911.

ABSTRACT.—Passing orders authorizing the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence under section 121-A of the Indian Penal Code against certain persons concerned in the Tinnevely conspiracy; and directing that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No. I on the file of the Sub-Divisional Magistrate, Tinnevely, connected with the murder of Mr. R. W. D'E. Ashe.

G.O. No. 1127-A, Judicial, dated 11th July 1911.

ABSTRACT.—Directing that the provisions of Part I of Act XIV of 1908 shall apply to Preliminary Register Case No. 11 on the file of the Sub-Divisional Magistrate, Tinnevely, connected with the murder of Mr. R. W. D'E. Ashe.

G.O. No. 1135, Judicial, dated 12th July 1911.

ABSTRACT.—Appointing the Hon'ble Mr. T. Richmond to be Public Prosecutor for the conduct of the Tinnevely prosecutions.

G.O. No. 1206, Judicial, dated 27th July 1911.

ABSTRACT.—Authorizing, under section 196, Criminal Procedure Code, the Deputy Inspector-General of Police for Criminal Intelligence and Railways to make a complaint in respect of an offence punishable under section 121-A, Indian Penal Code, against certain persons concerned in the Tinnevely case.

G.O. No. 1304, Judicial, dated 14th August 1911.

ABSTRACT.—Instructing the Government Pleader to oppose any application that may be made on behalf of the accused in the Tinnevely cases to take down evidence.

G.O. Nos. 1308, 1309, Judicial, dated 15th August 1911.

ABSTRACT.—Issuing orders applying, with the sanction of the Governor-General in Council, Part I of Act XIV of 1908 to proceedings in Preliminary Register Cases Nos. 3, 4, 5 and 6 on the file of the Sub-Divisional Magistrate, Tinnevely.

Letter No. 1418, Judicial, dated 7th September 1911.

ABSTRACT.—Forwarding to the Government of India copies of charges and commitment order in the Tinnevely murder case.

G.O. Nos. 474, 475, Judicial, dated 23rd March 1912.

ABSTRACT.—Directing the withdrawal of the charge of abetment of murder against the second accused in the Tinnevely conspiracy case and addressing the Government of India.

II

Telegram—from the Honourable the Advocate-General, Madras.

To—the Chief Secretary to Government.

Dated—the 17th April 1912.

High Court refuses to interfere with conviction of accused by Special Bench.

III

Telegram—from the Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Ootacamund, the 18th April 1912.

No.—253, Judicial.

Reference correspondence ending [with] this Government's letter 475, Judicial, 23rd March 1912, regarding Tinnevely conspiracy and paragraph 2 [of] letter 672-1, Judicial, 2nd March. High Court refuses [to] interfere with conviction of accused by Special Bench. Copies of judgment will be forwarded in due course.

Proof for approval

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IV

Official Memorandum No. 1286-2, Judicial, dated 18th April 1912.

With reference to his telegram, dated the 17th instant, reporting the result of the reference to the Full Bench in the Tinnevely conspiracy case, the Honourable the Advocate-General is requested to be so good as to obtain and forward to Government 35 copies of the High Court's judgment for transmission to the Government of India and for record in this office.

(By Order.)

S. H. SLATER,
Under Secretary to Government.

To the Government Solicitor.

V

Letter—from the Hon'ble Mr. C. F. NAPIER, Acting Advocate-General, Madras.

To—the Chief Secretary to Government.

Dated—the 17th April 1912.

No.—417.

I have the honour to inform Government that the High Court delivered judgment to-day on the application by several accused to review the judgment of the Special Bench in the case against Nilakantan and others. The Court by a majority of four to one held that the evidence of the approvers given to the Police Inspector was on one ground or another inadmissible, but by a majority of three to two the Court held that the subsequent statements of the approvers to the Divisional Magistrate being accepted by the Special Bench as of equal value, there was no occasion for a review, relying on certain words in the judgment to the effect that the Court would have come to the same conclusion apart from the very first statements made to the Police officer.

In the result all the petitions were dismissed.

VI

Letter—from the Hon'ble Mr. C. F. NAPIER, Acting Advocate-General, Madras.

To—the Chief Secretary to Government.

Dated—the 30th April 1912.

No.—447.

With reference to the Government Memorandum No. 1286-2, Judicial, dated 18th April 1912, I have the honour to forward, under separate cover, 35 copies of the judgments of the High Court on the various petitions to review the judgment of the Special Bench in the Tinnevely conspiracy case. As the Government is aware, these objections were based on certificates given by the *ex-Advocate-General* under the Letters Patent and raised two questions (1) whether the first statements made to the Police Inspector by the two approvers can be proved, (2) whether the Court rightly apprehended the law on the subject of accomplices' evidence. Three objections were raised in connection with the first point. On one of them the Court was unanimously of opinion that the objection was untenable. On another the Court held different opinions. The majority of the Court consisting of Mr. Justice Benson, Mr. Justice Wallis and Mr. Justice Abdur Rahim held that these statements were confessions inadmissible in evidence under section 25 of the Evidence Act. The other two Judges held that they were admissible in spite of that section. On the third point the majority of the Court consisting of Mr. Justice Benson, Mr. Justice Wallis and Mr. Justice Miller held that the statements were not rendered inadmissible by the language of section 157 of the Evidence Act which requires that the statements should be made before an *authority legally competent* to investigate the fact. The difficulty was whether an Inspector of the Criminal Investigation Department came within that description. The majority held that he did. On this point I have the greatest doubt and I think that steps should be taken to put the powers of investigation on a surer legal footing for the purposes of the Criminal Procedure Code. I have a reference by the Inspector-General of Police on the subject. On the second point the Court delivered judgments which, from their complexity, leave the question still not quite clear, but all the Judges except Mr. Justice Abdur Rahim concurred in thinking that the Special Bench had not misapprehended the law on the subject. The result was

that the evidence of the Police Inspector as to what he was told by the two approvers was held inadmissible under section 25 of the Evidence Act. But the majority of the Court were of opinion that the Special Bench had believed the accomplices, apart from those first statements to the Police Inspector as there were subsequent statements made three days afterwards to a magistrate to which no objection could be taken, and acting on that view the Court declined to interfere with the decision.

2. The result of the whole trial is that out of fourteen persons charged with treasonable conspiracy under section 121-A of the Penal Code and abetment of murder under sections 114 and 302 of the Penal Code, all have been acquitted on the charge of abetment of murder and nine have been convicted under section 121-A. I have always anticipated that the charge of abetment of murder would fail in view of the fact sworn to by all the approvers that isolated murder was not contemplated as a method of the conspiracy. With regard to the conviction I venture to think that the result is extremely satisfactory, for in no conspiracy trial in any other part of India has anything like so high a proportion of convictions being obtained. I consider this very largely due to the fact that the investigation was conducted by senior officers of the Police Department who exercised the closest control over the Inspectors employed in the case. As I have been engaged in the case since the beginning and had therefore every opportunity of knowing what was done from the beginning of the enquiry, I should like to say, if I may, how much the prosecution are indebted to the energy and care of the District Magistrate of Tinnevely and to his readiness and anxiety to record all statements at the very earliest opportunity. Also if I may say so, I desire to acknowledge the ability and perspicacity of the Deputy Inspector-General, Criminal Investigation Department, in the sifting of the evidence put before him, a large mass of which he rejected, and it is only due to him that I should inform Government that the one weak part of the case which partially broke down rested on evidence as to which he expressed great doubts at the beginning of the enquiry. I and my colleague thought the evidence should be put in and it was used. But with regard to some of it the Deputy Inspector-General's doubts were justified. I desire also to bring to the notice of Government the great assistance that I received from Mr. Sundara Sastri, Public Prosecutor of Tinnevely, who prepared a most careful analysis of the whole of the evidence and had a complete knowledge of the records.

3. The trial of the above case occupied nine days and the delivery of judgment one day. I request sanction for payment of Rs. 2,500 on account of my fees for all the ten days I attended at the rate of Rs. 250 *per diem*.

VII

Letter—from the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Ootacamund, the 15th May 1913.

No.—1286-3, Judicial.

In continuation of this Government's telegram No. 253, Judicial, dated the 18th April 1912, I am directed to forward, for the information of the Government of India, twenty-five copies of the judgments of the High Court in Criminal Miscellaneous Petitions Nos. 68—72, 76, 79 and 80 of 1912 dismissing the petitions under section 26 of the Letters Patent for a review of the previous judgments of the Court in Tinnevely conspiracy case (Special Bench Case No. 1 of 1911).

Order—No. 1220, Judicial, dated 31st July 1912.

The papers read above relate to the criminal proceedings, known as the Tinnevely Conspiracy Case, instituted subsequent to the murder on the 17th June 1911 of Mr. Ashe, Collector and District Magistrate of Tinnevely, by one Vanchi Aiyar of Shencottah. The murderer himself committed suicide, as did two other persons who were believed to be implicated. The preliminary inquiry was held by Mr. Tampoe, who on the 30th August 1911 committed fourteen persons for trial by the High Court under section 6 (b) of the Indian Criminal Law Amendment Act, 1908 (Act XIV of 1908). They were charged with treasonable conspiracy, an offence punishable under section 121-A of the Indian Penal Code, and also with the murder of Mr. Ashe by engaging in a conspiracy, offences punishable under sections 302, 109 and 111, Indian Penal Code. After a prolonged trial lasting over five months, the Special Bench of the High Court, on the 15th February 1912, convicted nine of the fourteen accused on

The first count and sentenced them to varying terms of imprisonment. They were all acquitted on the second count. Petitions were presented to the High Court under section 26 of the Letters Patent on behalf of all but one of the convicts praying that on certain points of law certified by the Advocate-General the judgments of the Special Bench might be reviewed by the High Court. These petitions came on for hearing on the 7th March 1912 before a Full Bench of the High Court and were disposed of on the 17th April 1912. With the last of the papers read above (the Honourable the Advocate-General has forwarded the judgments of the Full Bench dismissing all the petitions.

his letter

8th

dated the 30th April 1912

2. The criminal proceedings have thus at length been brought to a satisfactory conclusion, and His Excellency the Governor in Council recognizes that this result is in a large measure due to the zeal and willing co-operation of the officers entrusted with the investigation and conduct of the case. The Governor in Council has great pleasure in acknowledging the excellent service rendered in the conduct of the case both as Government Pleader and Advocate-General by the Hon'ble Mr. Napier, who was ably assisted by the Hon'ble Mr. T. Richmond, Barrister-at-Law, and M.R.Ry. Rao Bahadur A. Sundara Sastriar Avargal, Public Prosecutor, Tinnevely. His Excellency in Council also desires to acknowledge the excellent work done by Mr. H. F. W. Gillman, I.C.S., District Magistrate of Tinnevely, Mr. P. B. Thomas, Deputy Inspector-General of Police, Railways and Criminal Investigation Department, and Mr. F. A. Hamilton, District Superintendent of Police, Tinnevely, in investigating and working up the case. Special credit is, in his opinion, due to Messrs. Gillman and Hamilton and the success of the investigation was largely owing to the commendable promptitude with which the latter followed up the clue furnished by the letter found in the murderer's pocket. The Governor in Council also notes with satisfaction the testimony borne by the Inspector-General of Police to the good work done by the undermentioned officers of the subordinate police staff, namely:—

- (1) Inspector E. Subramania Pillai, Tinnevely district.
- (2) Inspector R. Viraraghavayya, Criminal Investigation Department.
- (3) Inspector V. Rajagopalachariar, Tinnevely district.
- (4) Inspector P. Balakrishna Menon, Criminal Investigation Department.
- (5) Sub-Inspector P. T. Kannan, Criminal Investigation Department.
- (6) Sub-Inspector Paul T. Doraiswamy, Criminal Investigation Department.
- (7) Sub-Inspector Ramachandra Aiyar, Tinnevely district.
- (8) Sub-Inspector Thambiappa Mudaliyar, Criminal Investigation Department.
- (9) Sub-Inspector T. V. Swaminatha Aiyar, Criminal Investigation Department.
- (10) Sub-Inspector Nellaperumal Pillai, Tinnevely district.
- (11) Sub-Inspector Masilamani Nadar, Tinnevely district.
- (12) Sub-Inspector P. S. Venkatagiri Sarma, Tinnevely district.
- (13) Sub-Inspector Gopaul Pillai, Tinnevely district.
- (14) Sub-Inspector Suryanarayana Pillai, Tinnevely district.

3. The Government observe that one important offender, Madasami, is still absconding. Every endeavour should be made to arrest and bring him to trial.

(True Extract.)

A. G. CARDEW,
Ag. Chief Secretary.

To the Hon'ble Mr. Justice C. F. Napier, Bar.-at Law.
 " the Hon'ble Mr. T. Richmond, Bar.-at Law.
 " M.R.Ry. Rao Bahadur A. Sundara Sastriar Avargal.
 " F. W. Gillman, Esq., I.C.S.
 " P. B. Thomas, Esq.
 " the Inspector-General of Police,
 " the Deputy Inspector-General of Police,
 Railways and Criminal Investigation
 Department.
 " the District Magistrate, Tinnevely.

Q of II, IV and V and
para. 1 and 2 of Order.

Q of II, IV and V and Order.

CONFIDENTIAL.

G.O. No. 1220, 31st July 1912.

Tinnevely conspiracy case.

Reviewing the result of the —, and acknowledging the services rendered by the officers concerned in connection with the case.

Please send proof in triplicate. The papers have been carefully edited.

Proof returned corrected. Please strike off and send number of copies as indicated.

As the matter is in clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

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DEPARTMENT.

CURRENT FILE.

From

SUBJECT :—

C.

INDIAN

TELEGRAPHS

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TO

Madras Ootacamund

High court refuses to
interfere with conviction
of accused by special
bench
advocate General

CHIEF SECRETARY
17-APR. 1912
GOVERNMENT OF MADRAS

Madras Press & Tel.

N. B.—The name of the Sender, if telegraphed, is written after the text.

2
Judicial Department

III
[1286]

Telegram

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Reference to

20

Despd
18.4.

The Secretary to the Govt of
India, Home Department

253X

Reference

D

Correspondence ending [with]
His Govt's letter 475 Judicial
23rd March 1912 re
Tinnevely Conspiracy and
para 2 [of] letter 672 Judicial
dash 1 Second March.

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2nd

High Court refuses [to]
interfere with conviction of
accused by Special Bench
Copies of judgment will
be forwarded in due course

Despd
18/4/12

EDR:G
C.M.

Post Copy to the Govt
of India, H.D.

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Judicial department

[C1286]

UP

OM. No. 1286-24/18.4.12.

With reference to his telegram
C. f. dated the 17th Instant reporting
the results of the reference to
the Full Bench in the Dennis,
Conspiracy Case, the Honble the
Advocate General is requested
to be so good as to obtain
and forward to Govt
35 Copies of the High Court's
Judgment for transmission
to the Govt of India & for
record in this office.

WJ
18-4-12

SM

18/4

Despatched
18/4/12.

18/4/12

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The Govt Solicitor

OM only

JUDICIAL DEPARTMENT.

4

CURRENT NO.
1316
JUDICIAL
1902

Received



190

Registered 20

Subject.

Reporting that the applications made by the several accused in the Tinnevely Conspiracy Case have been dismissed.

58

ENCLOSURES.

No.

Spare copies

No. 417

Station Madras, Dated the 17th April 1912/1913.

From (Name) The Hon'ble Mr. C.F. Napier,

(Designation) Ag. Advocate-General, Madras.

To The Chief Secretary to the Government of Madras.

Sir,

3 to 2

I have the honour to inform Government that the High Court delivered judgment to-day on the application by several accused to review the judgment of the Special Bench in the case against Nilakantun and others. The Court by a majority of four to one held that the evidence of the approvers given to the Police Inspector was on one ground or another inadmissible, but by a majority of 3 to 2 the Court held that the subsequent statements of the approvers to the Divisional Magistrate being accepted by the Special Bench as of equal value, there was no occasion for a review, the judges relying on certain words in the judgment to the effect that the Court would have come

to

5

68

to the same conclusion apart from the very first statements made to the Police Officer.

In the result all the petitions were dismissed.

13

I have the honour to be,

Sir,

Your most obedient Servant,

Chapuis

Ag. Advocate-General.

No 447.



Advocate General's Office,
High Court,
Madras, dated 30th April 1912.

prop
not used yet

From

The Hon'ble Mr. C.F. Napier,

Ag. Advocate-General,

Madras.



14.3.8.5.12

To

The Chief Secretary to the Government of Madras,
Stone House Hill,
Ootacamund.

Sir,

With reference to the Government Memorandum No. 1286-2

Judicial, dated 18th April 1912, I have the honour to forward
under separate cover 35 copies of the judgments of the High
Court on the various petitions to review the judgment of the
Special Bench in the Tinnevely Conspiracy Case. As the
Government is aware, these objections were based on certifi-
cates given by the Ex-Advocate-General under the Letters Patent
and raised two questions (1) whether the first statements made
to the Police Inspector by the two approvers can be proved,
(2) whether the Court rightly apprehended the law on the sub-
ject of accomplices' evidence. Three objections were raised
in connection with the first point. On one of them the Court
was unanimously of opinion that the objection was untenable.
On another the Court held different opinions. The majority
of the Court consisting of Mr. Justice Benson, Mr. Justice
Wallis and Mr. Justice Abdur Rahim held that those statements
were confessions inadmissible in evidence under section 25 of
the Evidence Act. The other two judges held that they were
admissible in spite of that section. On the third point,
the majority of the Court consisting of Mr. Justice Benson,
Mr. Justice Wallis and Mr. Justice Miller held that the
statements were not rendered inadmissible by the language of
section 157 of the Evidence Act which requires that the state-
ments should be made before an authority legally competent

* Railway parcel.
Bengal

A
1st Question

B
2nd Question

12. A is 1st Question
objection (a)
objection (b)

Sundara Ayyar

No. Incoming
Ayl
objection (c)

to

Mean me
 14 12 20
 27, 50, 73
 & 77 of the
 judgments
 in this case

1st Question
 B

12. on 1st
 Question - A

12. on 2nd
 Question B

to investigate the fact. The difficulty was whether an Inspector of the Criminal Investigation Department came within that description. The majority held that he did. On this point, I have the greatest doubt and I think that steps should be taken to put the powers of investigation on a surer legal footing for the purposes of the Criminal Procedure Code. I have a Reference by the Inspector General of Police on the subject. On the second point, the Court delivered judgments which, from their complexity, leave the question still not quite clear, but all the Judges except Mr. Justice Abdur Rahim concurred in thinking that the Special Bench had not misapprehended the law on the subject. The result was that the evidence of the Police Inspector as to what he was told by the two approvers was held inadmissible under section 25 of the Evidence Act. But the majority of the Court were of opinion that the Special Bench had believed the accomplices, apart from those first statements to the Police Inspector as there were subsequent statements made 3 days afterwards to a Magistrate to which no objection could be taken, and acting on that view, the Court declined to interfere with the decision.

2. The result of the whole trial is that out of 14 persons charged with treasonable conspiracy under section 121 A of the Penal Code and abetment of murder under sections 114 and 302 of the Penal Code, all have been acquitted on the charge of abetment of murder and nine have been convicted under section 121 A. I have always anticipated that the charge of abetment of murder would fail, in view of the fact sworn to by all the approvers that isolated murder was not contemplated as a method of the conspiracy. With regard to the conviction I venture to think that the result is extremely satisfactory, for in no conspiracy trial in any other part of India has anything like so high a proportion of convictions being obtained. I consider this very large due to the fact that the investigation was conducted by senior officers of the

Police Department who exercised the closest control over the Inspectors employed in the case. As I have been engaged in the case since the beginning and had therefore every opportunity of knowing what was done from the beginning of the enquiry, I should like to say, if I may, how much the prosecution are indebted to the energy and care of the District Magistrate of Tinnevelly and to his readiness and anxiety to record all statements at the very earliest opportunity. Also if I may say so, I desire to acknowledge the ability and perspicacity of the Deputy Inspector-General, Criminal Investigation Department in the sifting of the evidence put before him, a large mass of which he rejected, and it is only due to him that I should inform Government that the one weak part of the case which partially broke down rested on evidence as to which he expressed great doubts at the beginning of the enquiry. I and my colleague thought the evidence should be put in and it was used. But with regard to some of it, the Deputy Inspector-General's doubts were justified. I desire also to bring to the notice of Government the great assistance that I received from Mr. Sundara Sastri Public Prosecutor of Tinnevelly who prepared a most careful analysis of the whole of the evidence and had a complete knowledge of the records.

3. The trial of the above case occupied nine days and the delivery of judgment one day. I request sanction for payment of Rs.2,500 on account of my fees for all the ten days I attended at the rate of Rs.250/- per diem.

I have the honour to be,

Sir,

Your most obedient servant,

Chapur

Ag. Advocate General.

Mr. Gillman

Extract taken for separate disposal.

Judicial department

Print

[C 1510]

VII

10 P.

Despd
with copies
of judgment
15.5.12

2/14/12

Letter No 1286-3 d/15.5.12
Ref.

To

The Secretary to the Govt of India
Home Department

(with 25 copies of)
judgments
to be sent by registered post

Sir,

In continuation of this

12-C-4

Govt's telegram No 283 judicial
dated the 18th April 1912, I
am directed to forward
for the information of the
Govt of India twenty five
copies of the judgments of the
High Court in Cr. Mis. Petitions
Nos 68-72, 76, 79 & 80 of 1912
dismissal ^(under section 26 of the Judicature Act) of the petitions
for a review of the ^{previous judgments of the Court in} the ^{recently} ^{conspiring}
Case (Special Bench Case
No 1 of 1911)

WJ
13.5.12

L
14.5.12

Tinnevelly Conspiracy Case

[G. 6.]
7,000-10-10

Recording the result of the -----
and acknowledging the services rendered
by the officers concerned in the conduct
of the case.

Judicial DEPARTMENT.

READ

Flag 17

I

flag B G.O. No. 1112-3, Judicial, dated 8th July 1911. (h) R of all for
flag U ,, 1127 A, ,, ,, 11th ,, (h) Record set
flag G ,, 1135, ,, ,, 12th ,, (h) only for
flag R ,, 1206, ,, ,, 27th ,, (h) lesser set
flag V Letter No. 1418, ,, ,, 7th September 1911. (h)
flag D G.O. No. 1308-9, ,, ,, 15th August 1911. (h)
,, 474-5, ,, ,, 23rd March 1912. (h)
,, 1304 d 14.8.11 (h)

1104 (1286) Telegram from the Advocate-General, dated 15th April 1912. (a)

III

h 2 C. f Telegram to the government of India, dated (a) ?

IV

h 3 C. f O.M. to the Advocate-General, No. 1286-2, d/15-4-12. (a)

V

h 1 C. f (1316) From the Advocate-General, dated 17th April 1912. & No. 447, d/30-4-12 (a)

VI

h 2 C. f Letter to the Government of India, Home Dept, No. 1286-3, d/15-5-12. (a)

ORDER No. 1220, dated 31 July 1912

Confidential

Press

The papers read above relate to

the criminal proceedings, known as the
Tinnevelly Conspiracy Case, instituted
subsequent to
~~the murder on the 17th~~ the murder on the 17th
June 1911 of Mr. Ashe, Collector and
District Magistrate of Tinnevelly, by
one Vanchi Aiyar of Shencottah. The

as did two other persons who were
believed to be implicated. The
preliminary inquiry was held
by Mr. Tampar who on the 30th
Aug. 1911 committed fourteen
persons

murderer himself committed suicide, but
~~his associates, 14 in number, were~~
~~committed for trial to the High Court~~ by
under section 6 (b) of the Indian
Criminal Law Amendment Act, 1908 (Act

(Act XIV of 1908) ~~on two counts~~. They ^{were} ~~first charged them~~ with treasonable

conspiracy, an offence punishable under

section 121-A of the Indian Penal Code,

^{also} the ~~and the second~~ with murder of Mr. Ashe

by engaging in a conspiracy, offences

punishable under section ³⁰² ~~302~~, 109 and

111, I.P.C. After a ^{prolonged} ~~very long~~ trial

~~that last~~ ^{ing} over 5 months, the Special

Bench of the High Court, on the 15th

February 1912, convicted nine of the

fourteen accused on the first count

and sentenced them to varying terms of

imprisonment. ^{They were all acquitted} ~~on the second count.~~

~~not and more.~~ Soon after the Judge-

~~ments were pronounced,~~ Petitions were

presented to the High Court on behalf

of all but one of the convicts ^(x) under

section 26 of the Letters Patent, pray-

ing that on certain ~~grounds~~ points of

law, certified by the Advocate-General, the

Judgments of the Special Bench might be

reviewed by the High Court. These

petitions came on for hearing on the

Please see judgment at 7

(X) by Mlakatan
the 106 accused

7th March 1912 before a Full Bench of the High Court and were disposed of on the 17th April 1912. With the last of the papers read above, the Hon'ble the ~~Ag.~~ Advocate-General has forwarded the Judgments of the Full Bench dismissing, all the petitions.

2. The criminal proceedings ~~in question~~ *have at length* thus been brought to a satisfactory conclusion and H.E. the Governor in Council recognizes that this result is, in a large measure, due to the ~~whole~~ ~~hearted~~ zeal and the willing co-operation of the officers entrusted with the investigation and conduct of the case. The Governor in Council has great pleasure in acknowledging the excellent service rendered in the conduct of the case both as Govt. Pleader and Advocate-General by the Hon'ble Mr. Napier, who was ably assisted by the Hon'ble Mr.

T. Richmond, Barrister-at-Law, and M.R.A. Rao Bahadur A. Sundara Sastriar Avargal, Public Prosecutor, Tinnevely. H.E. in Council also desires to acknowledge the *excellent work done to* ~~zeal and ability shown by~~ *_____* Mr.

H. B. W.

I.C.S.

~~Lower Court, and~~ Mr. Gillman, Dist.

Magistrate of Tinnevely, Mr. P.B.

Thomas, D.I.G., Railways and C.I.D.,

and Mr. Hamilton, Dt. Supt. of Police,

Tinnevely, in investigating and work-

ing up the case. Special credit is, in

his opinion, due to Messrs. ^{Gillman} ~~Hamilton~~ and

~~Hamilton~~ and the ^{successor} ~~latter~~ of the
~~Gillman~~, especially the ~~former~~ who
 investigation was largely owing to the
 followed up with commendable promptitude
 with which the latter followed up
 the clues furnished by the letter found

^{pocket}
 in the murderer's. The Governor in

^{notes}
 Council also ~~observes~~ with satisfaction

^{by the D.G. of Police}
 the testimony borne to the good work

done by the undermentioned officers of

the subordinate police staff ^{namely}:-

- ^{Inspector}
1. ~~Inspector~~ E. Subramania Pillai, ~~Inspector~~, Tinnevely District.
 2. ,, R. viraraghavayya, ~~do~~ C. I. D.
 3. ,, v. Rajagopalachariar, ~~do~~ Tinnevely District.
 4. ,, P. Balakrishna Menon, ~~do~~ C. I. D.
 5. ^{Sub-Inspector} P.T. Kannan, ~~Sub-Inspector~~, do.
 6. ,, Paul T. Doraiswamy, ~~do~~ do
 7. ,, Ramachandra Aiyar, ~~do~~ Tinnevely District.
 8. ,, Thambiappa Mudaliyar, ~~do~~ C. I. D.
 9. ,, T.v. Swainatha Aiyar, ~~do~~ do.
 10. ,, Nellaperumal Pillai, ~~do~~ Tinnevely District.
 11. ,, Masilamani Nadar, ~~do~~ do.
 12. ,, P.S. Venkatagiri Sarma, ~~do~~ do.
 13. ,, Gopaul Pillai, ~~do~~ do.
 14. ,, Suryanarayana Pillai, ~~do~~ do.

3.

The Government observe that

one important offender, Madasami, is still absconding. Every endeavour should be made by ~~the Inspector-General of Police to secure his arrest and~~ ^{bring} put him up, ~~as expeditiously as possible,~~ on ^{to} his trial, which should be ~~under the~~ ^{trial} summary provisions of the Criminal Law Amendment act, 1908 (Act XIV of 1908).

To

*Justice*The Hon'ble Mr. C.F. Napier,
Bar-at-Law.,, T. Richmond,
Bar-at-Law

F.W. Gillman, Esquire, I.C.S.

P.B. Thomas, Esquire.

M.R. Ry ^{Rao Bahadur} A. Sundara Sastriar Avergal.

The Inspector-General of Police.

The D.I.G., Rys. and C.I.D.

the District Magistrate, Tinnevely.

20/18-7-12

2/18-7-12

Sgl 18-7-12

Q.I.I.V.
para
18-7-12
one
Q.I.I.V.
Q.I.I.V.
+ O.Not for E.T.*Pres**Print these**instructions also*

[$\frac{G.}{3}$]

5,00 -12-06,

NOTES.

Jud Dept

ISee Civil ~~Service~~ / 181 -Peray B. Thomas. D.I.G. For Crim.
Intelligence & Railways.

Comp. Histy Gazetted Offs Services / 573

P. B. Thomas - D.I.G. Criminal
Investigation Dept & RysWhich of these two styles is right?
How was he & his predecessors
gazetted?

OK

1 apr 12

Please see G.O. R. No. 654 & S. 2. 06, 1328
& 26. 12. 08, 117 & S. 2. 10. In all these
cases the appointment was ^{of Police} ~~parted~~
as Deputy Inspector General ^{of Police} for Criminal
Intelligence and Railways. In
the recent notification regarding
Mr. Thomas' leave, it was also ~~parted~~
as D.I.G. ^{of Police} for Criminal Intelligence
and Rys. The expression 'Criminal
Investigation Department' is used
when the Department is referred to,
as will be seen from Home Dept
letter No 328-333 Police & 19. 2. 1912, and

G.O. 265 R &
26. 2. 12

H.D. letter nos. 328-333
of 19.2.12 (Slip Q)

the expression 'Criminal ~~Intelligence~~ Intelligence and Reps' is used when the officers are referred to. ^{The head of the Imperial Dept. is called Director of Criminal Intelli.} The designation 'D. I. of Police for Cr. Intelligence and Railways' would therefore seem to be the correct form of address.

Recd.
1-4-12

S.D.

1.4.12

CS.

W.F. 1/4

Have we rec^d copy of the order of the High Ct on the Adv. Genl's Reference in the Timnevelly Conspiracy Case? If not, please call for it, & please put up the Judgm^t of the Special Bench. in the same case.

H.F. 2/5/12

To Deputy Secretary
Judgments in Special Bench Case no. 1 of 1911^(a), and in Crim. Disc. Petns. on the Advocate General's Ref^{ce}, are submitted.

S.D.

22-5-12.

22-5-12

CS.

W.F. 26/5

(a) slip 7
(b) slip 8

[Thos' B]

Unusually Cautious Act 3
(C 1286) Telegram from the Advocate General 8/17-4-12

Judicial Department.

II
D.O. dated 17-4-1912.

No: 1286 B-1 12
17. 4. 12

My dear Cotterell,

I have just received
the following message from the
Advocate-General, Madras:--

"High Court refuses to
"interfere with conviction of accused
"by Special Bench."

I think H.E. may like
to know this. I tried to communicate
with you by telephone, but your people
were unable to hear what I said.

Drop
CR 17.4.12
C.B. Cotterell, Esq., I.C.S.,
P.S.G.

Yours sincerely,

17/4/12

Box No. C1
cd 23-4-12
rd 26-4-12

NOTES.

Page 4

ref

A draft Telegram to the Govt of India
and a draft o.m. to the Advocate
General are submitted for approval.

WJ
18-4-12

Issue

Su

18/4

p20f

Issued as Telegram to the Govt of India H.D. No 253
of 18-4-12

p30f

Issued as o.m. no 1286-1 of 18-4-12 to the Cr. Secy

[C1316] Letter from the ag. Advocate General no 417

18-5-12

of 20-4-12

ref

18-5-12

on p30f

The Advocate General's Communication is
submitted for perusal. Copies of the High
Court's judgments called for on the 18 to dist.
may be awaited.

WJ
23-4-12

C.S.

23/4/12

Hu. For perusal.

As soon as
the judgment is recd further action
will be taken.

23/4/12

Has

24-4-12

27/4/12

28/4/12

[G. 12]
1,000-15-2-12

Judicial DEPARTMENT.

5

From C. R. Nappin Esquire

SUBJECT:—

Advocate-General's Office,
HIGH COURT,

CHIEF SECRETARY
27 MAY 1912
GOVERNMENT OF MADRAS

Madras. April 30 1912

DOCUMENT NO.
1457
JUDICIAL

Dear Sir,

I have today sent a

short report on the Special Bank
Case. I have mentioned how valuable
Gillman & Thomas' work was. I don't
know if that is irregular coming
from me about officers of their standing,
but it is genuine.

Yours sincerely
Charles Nappin

let.

~~The report has not yet been
received in office.~~

ex.
900
7

[C 15-10]
Mr 6-8 Ct

Letter from the Ag. Advocate General
No 447 D. 30-6-1912

28.

Before any further ^{action} is taken 25 copies
of the judgment may be forwarded
to the Govt of India. They ~~have~~ ^{have} already been supplied with the
same number of copies of the
judgment of the Special Bench.
Draft submitted.

Please see the Telegram
in G.O 476-5
D. 28-3-12

D

taken for issue

NT
13-5-12

Issue 1/1
14-5-12

Forwarded as Ltr to the Govt of India H.D No 1286-3

D. 15-5-12

28

The letter to the Govt of India having issued
the file is resubmitted ^{with} 25 copies of the
judgment ~~and~~ per for cop.

2. Attention is invited to Mr. Napier's
remarks as to the legal status of an Inspector
of the Criminal Investigation Department.
It is for orders whether on this point the remarks
of the D.G. of Police may be invited.

NT
25-5-12

I don't think we need take any immediate
action.

Since Mr. Napier has a reference from the D.G.
of Police, we may as well ask ^{the latter} to send us his
opinion.

1/1
28-5-12

6-7 Ct

X The papers in this file relate to the detection
+ prosecution of the parties to the conspiracy
brought to light in the Linnevelly district
by the murder of Mr Ashe. It is sub-
mitted that the file may now be closed +
the papers recorded; the side issue raised
by Mr Napier about the legal status of members
of the C.I.D. as investigating officers may
be dealt with separately.

Before the matter is finally closed it is
perhaps for the consideration of G.O. whether
any officers concerned in the case unravelling
of the case deserve special thanks.

CS.

LJ
25.5.12

1. Hm.
2. Hithelgor

C.F. H. 60-93

Mr Napier's Lr. No. 447 d. 30 Apr. 12 refers to the several points urged before the High Ct in a very confusing way. Mr Justice Sundaram Aiyar's Judgment discusses all the points very clearly & if read first will be found, I think, to facilitate the perusal of the other Judgments.

2. The particular case dealt with in these prolonged legal proceedings is ^{presumably} now closed, & in a ~~few~~ generally satisfactory way. We may hope that no attempt will be made to carry it to the Privy Council. I think the ^{confidentially} thanks of Govt should be conveyed to Mr. Napier, Mr. Gillman & Mr. Thomas; also perhaps to Mr. Sundaram Sastri of Tirunelveli.

3. Separate action will need to be taken to ensure that all officers of the C.I.D. & R. Branch of the Police have full powers of investigation throughout the area for which they are appointed. This should be, I think, the Presidency, but perhaps the I.G. should be asked for his opinion on this point. When the area has been determined, an order of Govt specifically referring to Sec 551 Cr P.C. should be issued defining the

local area over wh^{ch} these officers are to exercise the powers referred to in that section.

4. I think the opportunity might be taken to introduce some uniformity into the nomenclature of the "C.I.D.". (vide my note d 1 Apr 12 on p. 1. I would adopt "Criminal Investigation" rather than "Criminal Intelligence".

Ref 31.512

I have been through the judgment, and my analysis of the findings is as follows:-

1st point. Benson, Wallis and Miller for the finding of the majority of the Special Bench, Abdur Rahim against, and Sundara Aiyar doubtful.

2nd point. Benson, Wallis and Miller for, Sundara Aiyar against, and Abdur Rahim doubtful.

3rd point. Benson, Wallis and Miller for, Abdur Rahim and Sundara Aiyar against.

4th point. Miller and Abdur Rahim for, Benson, Wallis and Sundara Aiyar against.

5th point. All five judges agree with the Special Bench.

2. We should now issue an order acknowledging the ^{cell} extent of work done by Mr. Napier and the Counsel who assisted him, Mr. Gillman, Mr. Thomas and Mr. Hamilton. Some of the subordinate police officers also did good work, I believe, and I would make an unofficial reference to Mr. Cowie and ask him which of them, if any, should be mentioned in the G.O. The main credit, in my opinion, is due to Mr. Hamilton and Mr. Gillman, ^e specially the former, and I would mention with approbation his prompt action in following up the clue furnished by the letter found in the murderer's pocket. I am rather surprised that the Inspector-General has not

made any report to the Government about this case. It was surely his business to bring to notice the good work done by the Police and also to give us some general account of the case ^{from} ~~for~~ a Police point of view. The Inspector-General should not take up an attitude of detachment from the Criminal Investigation Department.

3. The Deputy Inspector-General in charge of the Criminal Investigation Department should be styled "Deputy Inspector-General, ~~the~~ Railways and Criminal Investigation Department." The expression Criminal Intelligence should not be used. The Simla Officer is called the Director of Commercial Intelligence because his main functions are the collection, collation and dissemination of intelligence about Crime and ^criminals. Investigation is no part of his ^aordinary functions. On the other hand, investigation is a very important part of the functions of the provincial departments and both the Police Commission and the Government of India have always called ^{the} ~~these~~ Departments "Criminal Investigation Departments."

4. Turning now to the question of ^{giving} ~~the~~ authority ^{to} the officers of the Criminal Investigation Department to exercise throughout the Presidency the powers

which

Criminal 1.

which may be exercised by an officer in charge of a police station within the limits of his station, I am somewhat doubtful whether it will be sufficient to declare that all officers of the Department are appointed for the whole Presidency. That would give the necessary authority to Inspectors and Officers of higher rank, but it would exclude Sub-Inspectors as they are not superior in rank to an officer in charge of a police station. I would ask Mr. Cowie whether he thinks it necessary that Sub-Inspectors should be given the powers of an officer in charge of a police station throughout the Presidency. If he can show good reasons for this, we might ask the Government of India to add a sub-section to section 551 when they amend the Code of Criminal Procedure.

5. The prosecution has on the whole been successful though it is unfortunate that we could not secure ^{the} conviction of Sankar Krishna Aiyar for abetment of Mr. Ashe's murder. One important offender, Madasami Pillai, is still absconding. Mr. Justice Sankaran Nair told me that he thought that he was the worst of the gang. The Police must make every effort to capture him, for I regard his conviction as most important. In spite of the protracted character

character of the proceedings before the Special Bench, I am in favour of the special procedure being applied to Madasami's case also if he is caught. His trial ^{is not so unduly long} would undoubtedly be ~~unduly~~ shorter and we are not likely to have any reference to a full Bench under the Letters Patent. If the ordinary procedure were adopted, we should run the risk of recreating much local excitement, since we should have one public hearing before the committing Magistrate and another long public hearing before the Sessions Court, and finally an appeal to the High Court. Under the special procedure we shall have only one public hearing and that will be in Madras.

6. Some of the convicted accused may perhaps be willing to give information. Nilakantan could, if he likes, tell us a good deal, and I should be quite willing to give him a remission of a portion of his sentence in return for information of value. He is not a really dangerous man though he has got the longest sentence. His principal object, I believe, was to get money for himself. He is a common adventurer rather than a fanatical patriot.

Note. I have retained one copy of the judgment

of the Full Bench. (I should also like a copy of the judgment of the Special Bench for perusal at leisure.)

Huz
5-6-12

Agree with my Hon. Colleague on all points -

Please get me a copy of the
Full Bench judgments - I desire to
read them again.

Mh
6-6-12

Action taken
separately
21/7
8-6-12

See what given to
the A. section
21/7
8-6-12

- ✓ 1. Please make an unoffl. ref. to the Dy. of Police & request him to report which, if any, of the Police Officers below the rank of Ass^t Supt who were employed in connection with the Tinnevely Conspiracy case did good service deserving of the thanks of Government.
- ✓ 2. A separate & offl. Ref. may be made to the Dy. about empowering Sub Inspectors of the C I D to exercise the powers of an officer in charge of a Police Stn.
3. A separate & confid^l unoffl. Ref. may go to D. I. G. for Rys & C. I. [] regarding Madaswami & Nilakantam. There is another Ref. about getting informⁿ

from the latter. Perhaps it will be best to take an extract from the Hm's note on that point & add it to the other file. Has any reward for the apprehension of Madaswani been offered.

Done
2/1
2-6-12

4. Meanwhile a draft order closing the file should be prepared without excessive delay.

5. Please supply to Hm & HR the good the copies of Judgments desired.

Action taken separately
2/1
4-6-12

sgl

7-6-12

NOTES.

Page 16

JUDICIAL Department.



p 16 auto
Extract from the C.S.'s Notes in connection
with Current No.1510 of 1912.

x x x x x x x x x x

x x Please make an unofficial reference to
the I.G. of Police and request him to report which,
if any, of the Police Officers below the rank of
Assistant Superintendent who were employed in con--
nection with the Tinnevely Conspiracy Case did good
service deserving of the thanks of Government.

A.G.C.

7-6-12.

uS

to the reference to the C.S.'s note above the
I.G. of Police may be requested u-o
to furnish the information desired.

207
8-6-12

Les R
26.12

I. G. of Police u-o

jud! no. 1848
10. 6-12

R.C. No 1135/Andk., dated 15th July 1912.

Page _____

17

R E P L Y.

The officers named below who were employed in connection with the Tinnevely Conspiracy Case did good service deserving of the thanks of Government. They have all been rewarded by me with promotion, but I consider that they also merit special recognition from Government and such recognition will undoubtedly be thoroughly appreciated.

1. M.R.Ry. E.Subramania Pillai, Inspector, Tinnevely Dt.
2. " R.Viraraghavayya do. C.I.D.
3. " V.Rajagopalachariar do. Tinnevely Dt.
4. " P.Balakrishna Menon do. C.I.D.
5. " P.T.Kamman Sub-Inspr., C.I.D.
6. " Paul T.Duraiswami do. do.
7. " Ramachandra Aiyar do. Tinnevely Dt.
8. " Thambiappa Mudaliyar do. C.I.D.
9. " T.V.Swaminatha Aiyar do. C.I.D.
10. " Nellaperumal Pillai do. Tinnevely Dt
11. " Masilamani Nadar do. do.
12. " P.S.Venkatagiri Sarma do. do.
13. " Gopaul Pillai do. do.
14. " Suryanarayana Pillai do. do.

I am addressing Government officially regarding the police officers of the Travancore State whose services merit special recognition.

Done

15th July 1912.

Inspr.-Genl. of Police.

To

The Chief Secretary to Govt. (U.O.)

ms

Circ. 27-7-1912

Date 30-7-1912

NOTES.

Page 18

W.S.

A draft order is submitted for approval

2. As it will be more appropriate to recognize the services of Travancore officials in a separate communication to the Darbar, it does not appear necessary to await the official communication promised by the D.G. at the end of his note.

3. Mr. Hamilton's name is not included among the addressees as the D.G. may be expected to communicate the G.O. to him. This is for orders.

4. With reference to the C.S.'s query in para 4 of his note, it is submitted that a reward of Rs 1000 has been offered for the arrest of Madazwani.

p. 15 ante

Please see special
Branch C's order
No 1 of 14-12-11
Put up in Gt. Library
File

a

207
18-7-12

The G.O. may be marked
Confid
H.S.

For orders whether the G.O. should be confidential
+ if not whether para 3 should be included

CS

2
18-7-12

H.M. (Ind^l) [to await return from tour]
H.E. the Gov^r

Please retype p. 3 of draft.

Done
207
19-7-12

For approval.

I have made a few alterations.

H.M.
29-7-12

AGL 15 7-12
app^d H.S.
30-7-12

Issue
No 31 712

NOTES.

Page _____

Petitions Nos. 68—72, 76, 79 and 80 of 1912 dismissing the petitions under section 26 of the Letters Patent for a review of the previous judgments of the Court in Tinnevely conspiracy case (Special Bench Case No. 1 of 1911).

Order—No. 1220, Judicial, dated 31st July 1912.

The papers read above relate to the criminal proceedings, known as the Tinnevely Conspiracy Case, instituted subsequent to the murder on the 17th June 1911 of Mr. Ashe, Collector and District Magistrate of Tinnevely, by one Vanchi Aiyar of Shencottah. The murderer himself committed suicide, as did two other persons who were believed to be implicated. The preliminary inquiry was held by Mr. Tampoe, who on the 30th August 1911 committed fourteen persons for trial by the High Court under section 6 (b) of the Indian Criminal Law Amendment Act, 1908 (Act XIV of 1908). They were charged with treasonable conspiracy, an offence punishable under section 121-A of the Indian Penal Code, and also with the murder of Mr. Ashe by engaging in a conspiracy, offences punishable under sections 302, 109 and 111, Indian Penal Code. After a prolonged trial lasting over five months, the Special Bench of the High Court, on the 15th February 1912, convicted nine of the fourteen accused on the first count and sentenced them to varying terms of imprisonment. They were all acquitted on the second count. Petitions were presented to the High Court under section 26 of the Letters Patent on behalf of all but one of the convicts praying that on certain points of law certified by the Advocate-General the judgments of the Special Bench might be reviewed by the High Court. These petitions came on for hearing on the 7th March 1912 before a Full Bench of the High Court and were disposed of on the 17th April 1912. With his letter read above, dated the 30th April 1912, the Honourable the Advocate-General has forwarded the judgments of the Full Bench dismissing all the petitions.

2. The criminal proceedings have thus at length been brought to a satisfactory conclusion, and His Excellency the Governor in Council recognizes that this result is in a large measure due to the zeal and willing co-operation of the officers entrusted with the investigation and conduct of the case. The Governor in Council has great pleasure in acknowledging the excellent service rendered in the conduct of the case both as Government Pleader and Advocate-General by the Hon'ble Mr. Napier, who was ably assisted by the Hon'ble Mr. T. Richmond, Barrister-at-Law, and M.R. Ry. Rao Bahadur A. Sundara Sastriar Avargal, Public Prosecutor, Tinnevely. His Excellency in Council also desires to acknowledge the excellent work done by Mr. H. F. W. Gillman, I.C.S., District Magistrate of Tinnevely, Mr. P. B. Thomas, Deputy Inspector-General of Police, Railways, and Criminal Investigation Department, and Mr. F. A. Hamilton, District Superintendent of Police, Tinnevely, in investigating and working up the case. Special credit is, in his opinion, due to Messrs. Gillman and Hamilton and the success of the investigation was largely owing to the commendable promptitude with which the latter followed up the clue furnished by the letter found in the murderer's pocket. The Governor in Council also notes with satisfaction the testimony borne by the Inspector-General of Police to the good work done by Deputy Superintendent T. Venkoba Rao and the undermentioned officers of the subordinate police staff, namely:—

- (1) Inspector E. Subramania Pillai, Tinnevely district.
- (2) Inspector R. Viraghavayya, Criminal Investigation Department.
- (3) Inspector V. Rajagopalachariar, Tinnevely district.
- (4) Inspector P. Balakrishna Menon, Criminal Investigation Department.
- (5) Sub-Inspector P. T. Kannan, Criminal Investigation Department.
- (6) Sub-Inspector Paul I. Doraiswamy, Criminal Investigation Department.
- (7) Sub-Inspector Ramachandra Aiyar, Tinnevely district.
- (8) Sub-Inspector Thanbiappa Mudaliyar, Criminal Investigation Department.
- (9) Sub-Inspector T. V. Swaminatha Aiyar, Criminal Investigation Department.
- (10) Sub-Inspector Nellaperumal Pillai, Tinnevely district.
- (11) Sub-Inspector Masilamani Nadar, Tinnevely district.
- (12) Sub-Inspector P. S. Venkatagiri Sarma, Tinnevely district.
- (13) Sub-Inspector Gopaul Pillai, Tinnevely district.
- (14) Sub-Inspector Suryanarayana Pillai, Tinnevely district.

3. The Government observe that one important offender, Madasami, is still absconding. Every endeavour should be made to arrest and bring him to trial.

(True Extract.)

A. G. CARDEW,
Ag. Chief Secretary.

To the Hon'ble Mr. Justice C. F. Napier, Bar.-at-Law.	} (Q of II, IV and V and paras. 1 and 2 of Order).
„ the Hon'ble Mr. T. Richmond, Bar.-at-Law.	
„ M. R. Ry. Rao Bahadur A. Sundara Sastriar Avargal.	} (Q of II, IV and V and Order).
„ F. W. Gillman, Esq., I.C.S.	
„ P. B. Thomas, Esq.	
„ the Inspector-General of Police.	
„ the Deputy Inspector-General of Police, Railways and Criminal Investigation Department.	
„ the District Magistrate, Tinnevely.	

JUDICIAL DEPARTMENT.

Deputy Secretary—

Please see paragraph 6 of Honourable Member's note on page 10 of Notes to G.O. Nos. 1300-01, dated 16th August 1912, in which the Honourable Member wanted to know why the names of Deputy Superintendents T. Venkoba Rao and Muhammad Abdul Karim Farukhi were omitted by the Inspector-General of Police from the list of officers deserving recognition at the hands of Government. The Inspector-General of Police, in reply to a reference made to him, stated that the omission of the name of T. Venkoba Rao from the list was due to an oversight on his part, but that Muhammad Abdul Karim Farukhi never had any direct connection with the Ashe murder case. T. Venkoba Rao is one of the officers who have been recommended for the grant of the King's Police Medal for this year.

For orders whether a formal order may now issue recognising his services.

C.H.S.—26-8-12.

T.V.T.—26-8-12.

Under Secretary—

Under the personal orders of the Deputy Secretary, the words "Deputy Superintendent T. Venkoba Rao and" have been added between the words "by" and "the" at paragraph 2, line 17, of G.O. No. 1220, Judicial, dated 31st July 1912.

Orders are solicited as to whether the press may be instructed to reprint pages 5 and 6 of the Government Order as thus revised, and also to print these notes in continuation of the notes to that Government Order. A revised copy of the Government Order will be despatched to the Inspector-General.

S.D.—3-9-12.

Yes.

S. H. SLATER—6-9-12.

Further Notes connected with G.O 1220 Judicial,
dated 31st July 1912.

[Subject - Tinnevely Conspiracy Case]

NOTES.

7

For D.S.

Flag A

Please see para 6 of H. M.'s note on page 10 of Notes to G.O. 1300-01 dt 16.8.6, in which the H. M. wanted to know about the names of Deputy Supdts T. Venk and Mahammed Abdul Karim. These were omitted by the I. G. Police from the list of officers deserving recognition at the Govt. The I. G. Police in reply to a reference made to him stated that the omission of name of T. Venkoba Rao from the list was due to an oversight on his part. The Abdul Karim Farukhi is

Flag B (Para 2 of I. G.'s letter)

in connection with the Asle Munim Case. Venkoba Rao is one of the officers who have been recommended for the grant of the King's Police Medal, for this year.

Flag D

For orders whether a formal order may now issue, recognising his services

and To U. S.

26/8/12
27/8/12
26

Under the personal orders of the D.S., the words "Deputy Supdt T. Venkoba Rao and" have been added between the words "by" and "the" of

Given to Mr. Jagannath Aiyar

G.O. No 1220, Jy

~~1/9/83/24~~

~~367/83~~

~~836/94~~

~~840/RI/85~~

~~19/12/97/0BR~~

~~481/RI/84~~

~~1183/RI/85~~

~~92/95~~

~~9-13/RI/84~~