

Judicial (1908) Department.

ORDINARY

G.O., No. 1039

Confidential No. 155

DATED 30-7-08.

[Despatch Abstract.]

Special Public Prosecutor

Appointing Mr S. R. Osborn
— to conduct the prosecution of
Case against E. S. Araya

906-24-3-05

CONFIDENTIAL.

CURRENT FILE.

JUDICIAL DEPARTMENT.

Urgent
CONFIDENTIAL

Received 190 , Registered 190 ,

Pe 257 of
Subject.

Ethiraja Surendranath Arya.

Requesting orders regarding the sedition
case against -- -- -- --

ENCLOSURES.

No.

Spare copies

No. 563
22

Station Madras. , Dated the 24th July 1908 .

From (Name) H. F. Wilkieson, Esquire,

(Designation) Commissioner of Police.

To The Chief Secretary to the Government of Madras.

Sir,

With reference to the correspondence ending with my letter No. 563/I.D. dated 9th July 1908, I have the honour to report that the cases against Ethiraja Surendranath Arya will be committed on the 25th instant to the High Court Sessions which commences on the 3rd August: the accused reserving his defence for that Court.

2. I beg to suggest that Mr. Osborne who has fully studied the details of these cases while conducting the prosecution in the lower court may be permitted to prosecute them in the High Court Sessions also.

3. As these cases are important and exceptional in their nature it would I think be advisable to have a special Jury to try them. As an application should be made before the

Chief

Chief Justice at least 4 days before the Sessions commences I
request that the Government may be pleased to wire their orders
on the subject.

I have the honour to be,

Sir,

Your most obedient servant,

H. W. M. S. M.

Commissioner of Police.

3/

709x 1. Your no 563 dated 10th.

Osborne should be instructed to appear in High Court. You should apply for special jury.

Despatch
27.7.08
Port Coy
29.7.08

Col
27.7.8.

The Counsel of Price

710x 2. If possible appear before in High Court to oppose appeal of Chidambaram Pillai & Liva, ask for adjournment if necessary in not cases. Letter follows.

Despatch
27.7.08

Mr Richmond.

Col
27.7.8.

Issue
27.7.08

Ind. 4
DEPARTMENT

From

SUBJECT : ---

C. 1.

INDIAN



TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.

As.



Handed
in at

Office of Origin.

Hour.

Minute.

Service Instructions.

Palamcottah 29th

8

20

State

TO

Madras City

*how much
6000.*

*Your telegram will oppose
appeals mentioned.*

29th

= Richmond =

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

Messrs. Am Press, Calcutta—No. 3 Tel.—16-3-08—40,00,000.

[$\frac{S.}{2}$]

500-17-12-06.

CONFIDENTIAL.

NOTES.

Letter from Commissioner of Police, Madras
No 563 of 24.7.25.
S.D.

Hon Mr Hammick C.A.D.

Mr. Wilkinson's recommendations
in paras 2 & 3 may be approved.

(1) In this connection I w^d like orders
about the Trincovally appeals. In the
ordinary course the Col. Pleader (Mr
K. Narayana Rao) w^d appear. It
w^d be advisable to give the cases
to Mr Richmond I think, if he c^d pos-
sibly get the Trincovally rioting cases
adjourned for a day or two. If Mr.
Richmond can't get away, then the
Adv. Genl. sh^d appear.

(2) Whoever appears sh^d be told to op-
pose strongly any reduction of sentence.

25.7.25

Yrs I think Mr. Osborne had better
conduct the case and ask for a special
jury.

and if Mr. Richmond can be got
for Chudambaram Pillai's appeal - if Mr.
Narayana Rao may appear. The

will probably argue as well as the
Advocate General. He might be told D.O.
to make a point of opposing us to have
the sentence reduced.

$\frac{12}{25} \text{ vii. } 08$

his proposals may be approved.
I am with friends (1) & (2) in the C-1,
into.

26708.

Draft sharp.

Dec 27.7.08

C.S.

Please see the telegrams below.
The following D.O. to Mr. Richmond
is for approval.

Dear Mr. Richmond,

In continuation of
my telegram asking you to appear
in the High Court to oppose the
appeals of Chidambaram Pillai
& Siva, I am directed to tell you
that you should ^{make a point of} ~~strongly~~ ~~oppose~~

strongly oppose the ~~cases~~ ~~against~~ any reduction

DISPATCHED
28 JUL 1908

in the Sentences.

3

Ms etc.

Cal

27-8.

Issue —

You must also let K.
Narayana Rao know that
Richmond will appear, if
he caught away from Timorly.
Also that Osborne will
conduct the other cases.

Is an official order necessary?

Dec 27. 7. 05

[Issued as Do. 528. 7. 00]

The following Do.
to Mr. Narayana Rao
is Submtd.

[Dear Mr. Narayana Rao]

I am directed to
inform that Mr.
J. Richmond has
been instructed
~~to appear~~ ~~at the~~
to appear at the
High Court to oppose
the appeals of
Chidambaram Pillai
and Subramania S.
and that Mr. Osb

He has said to-day that he
will appear.
Cal
27. 8.

has been instructed
to prosecute the
Case against Ethiraya
Sundaramath Ayya in
[Jm. Sumat] the High Court Sessions

Secy. H. Amayam Esq.
B.A., B.L.

Atty: Govt. Pleader.

2/ It regards the appeals
of Chidambaram Pillai &
Subramania Swia, it appears
necessary to inform the
Govt Pleader, to whom
notices will be served
under Sec 422 C. P. C, that
Mr Richmond is to appear.
The ~~first~~ note to Sec 492
C. P. C. explains that a
"Public Prosecutor" means
includes any person
acting under the direction
of a "Public Prosecutor".

3/ In the case against E. S.
Ayya, it is the duty of
the Crown Prosecutor to
conduct the Case - vide
duties of the Crown Prosecutor
on page 7 of the Law Officer
Papers (G.O. 963 & S. 7.03)
An official order

appointing Mr. E. R. O.
to conduct the case appears
necessary

Draft Submd:

sub.
29.7.08.

Cl.

Both the D.O. & the order way
issue. They seem all that is
necessary.

cll

29.7.08.

Issue D.O + order.

If you have not sent postal
confirmation of the telegram
to Comm^r of Police re: special
jury. Do so.

29.7.08

[Post Card sent on 29.7.08]

[G.]
6

10,000-17-12-00.

10
~~Judicial~~ DEPARTMENT.

READ

ORDER No. 1039, dated 30. 7. 1908

which

Mrs. E. R. Osbourne
will be directed
to conduct the
prosecution of the
case against Ethling
Surenbrauth Arya
committed to the
ensuing Session
of the High Court

25/7/08

24.7.8.

J. J. 29.7.08

To the Crown Prosecutor
" E. R. Osbourne Esq
Copy to the Hon the C. J.
(under C. J.)

[$\frac{8.}{9}$]

500-17-12-06.

CONFIDENTIAL.

NOTES.

Judicial DEPARTMENT

From *H. D. McKeeion Esq.*

SUBJECT: --

CONFIDENTIAL.

No 563
S.D.

COMMISSIONER'S OFFICE

MADRAS CITY POLICE



My dear Atkinson,

In accordance with your telegram No.709 dated 27th instant, I have instructed Mr.E.R.Osborne to conduct the Sedition cases against Ethiraga Surendranath Arya in the High Court Sessions. He informs me that he has arranged for a Special Jury to try these cases. I am informed that Mr. Neugent Grant the acting Crown Prosecutor raises some objection to Mr.Osborne conducting the case at the Sessions without any special authorization from Government presumably under Sec.492 Criminal Procedure Code.

2. Under the circumstances probably it will be as well to inform Mr.Neugent Grant that Mr.Osborne has been engaged to conduct the prosecution and to wire an order to Mr.Osborne direct appointing him as a Public Prosecutor specially to prosecute these cases.

Yours Sincerely,

H. D. McKeeion

19
638
80889
3078

An order has already
 been signed appointing
 Mr E. R. Osborne Public
 Prosecutor in the case
 against Ekberaj S. Arya
 This order was despatched
 on the 30th ultimo, both
 to the Crown Prosecutor
 and also Osborne, and
 must have reached them
 by this. No action on
 the present D.O. appears
 necessary

~~1.8.08~~
 1.8.08

A.
 No action is necessary.

Cos
 1.8.7.

Per 1.8.08

~~17/5/80~~

~~117/82/79.~~

~~13/8/85~~

~~27/8~~

~~14389/84/79~~

~~1682/72/80~~

~~1/10/11~~

CONFIDENTIAL.

~~2/6/92/RA~~

~~535/92~~

~~24/4/97/OBR.~~

~~1783/84/10~~

~~R1
6/1/2012~~

~~612~~

~~62
2012
201~~