Sectt. I (i)-I—10,006—7-10-70.

(1) Number of pages

(2) Date of repair

(3) Initials of the Referencer

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. 1605-11 Press
~~B.P. No.~~ Mis.

(Contd)

Dated 2. 7. 1884 ~~197~~ -.

be folded or roughly handled

Judicial Dept

G.O. No: 1605 — 1611 dt 2-7-1881

Confidential

Scott. I (i)-1-10,006—7-10-1

(1) Number of pages

(2) Date of repair

(3) Initials of the Referencer

MIL NADU ARCHIVES

OVERNMENT OF TAMIL NADU

DEPARTMEN

G.O. No.
B.P. No.
Press
Mis.
Dated 197

e folded or roughly handled

No 1672 Malabar Dt: Magistrate's Office
Calicut 7th April 1884

From

C. A. Galton Esq:
Ag: District Magistrate of
Malabar.

To

The Hon'ble E. F. Webster
Chief Secretary to Govt.
Ootacamund.

Sir,

I have the honor to forward for the information of Government copies of two reports from the Head Assistant Magistrate dated 18th March and 5th April regarding a charge of conspiracy to murder one Appathura Pattar of Melattur amsam in Walluvanad Taluk, which has been brought against two Mappillas named Vakkayil Moidin Kutti and Othan Kutti Ammu. I have already reported the occurrence to Government demi-officially and now submit the two offic reports which have reached me.

d that by oversight the last

[illegible] raised [illegible] G.O. d/19 [illegible] 2500

port was not prove in toto com-
ent at once.

Of the two men concerned, Moidin
tti was arrested at once, the other
as at large for some days but
ventually surrendered himself
the Ernad Police Inspector. It
pears that one Avaran Kutti has
so been arrested for having given
formation to Kutti Ammu that he
as wanted by the Police and a warrant
as been issued for the arrest of one
asan Koyamoo on a charge of
having harboured the latter.

The Head Assistant Magistrate
proposes to deal with all these men
under the ordinary law, but I am
of opinion that a prosecution in
the Criminal Court would fail.
regards the two individuals
ged with conspiracy to murder
facts do not constitute the offence
tured as defined in Section
Penal Code in as much as
e conspiracy was not followed
act or illeg

in pursuance thereof, consequent
Section 115 of the Penal Code is inapplic
I have accordingly issued my war-
-rants for the detention of the accuse
under Section 7 Act XX of 1859 and
directed the Head Assistant Magistra
to complete the enquiry with the
utmost expedition and submit
a detailed report accompanied
by all the evidence recorded in
the case.

4 I am also of opinion
that the two men who are charge
with having aided Kutti Ammu
in evading the Police have not
rendered themselves amenable to
the ordinary criminal law inas-
much as Moidin Kutti and Kutti
Ammu are not charged with an
'offence' as defined in the Penal Code.
It seems doubtful whether they c
be dealt with even under the
Mappilla Act, but until all the
evidence is before me I cannot
express a definite opinion as
I am not yet in possession of all
[illegible]

I hope to be able to report the result of the enquiry shortly.

I have the honor to be,
Sir,
Your most obdt. servant,

Ag. District Magistrate.

Judicial Department

No. 1000 Mis
Order 23 Apr l/84
21/4

Recorded.

The government will await further report.

By order
To the Dt. Magt. Malabar
[illegible]

From
The District Magistrate
of Malabar

To
The Chief Secretary
to Government
Ootacamund

Dated 7th April 1884.
Recd: 10 —

10 APL 84

Enc 2.

Submits two reports from the Head Asstt. Magte. Palghat regarding a charge of conspiracy to murder one Appatura Pattar in Melattur Amsam Wallunavad Taluk —

Enclosure No. 1 Letter of 7 April 84 to the Chief Secy. to Govt.

No. 229.

Special Asstt. Magte. Court
Camp Palghat 18 March 84

To
The District Magist
Calic

Sir,

I have the honor to report the following for your information.

2. On the 14 instant one Marakkar and four others presented a petition before the Taluk Magistrate, charging one Vakkayil Moidin Kutti and Othan Kutti Mammu with conspiracy to murder one Appattu Pattar of Melattur Amsam in Walluvanad Taluk and to die subsequently as martyrs. The 1st and 3rd petitioners whom the Magistrate examined on solemn affirmation support the petition.

3. The Magistrate has therefore referred the matter to Khan Bahadur the Police Inspector, for enquiry and report with orders to arrest at once but securing the two persons complained

he has also warned appattimma Pattar
of their int tion against him.
t.
nd ccused is the son of 1st Petitioner.
r appears to have been
this conspiracy by his brother
was requested by the two con
to join with them. He further
t the 2nd accused has not
ultivated his lands that he has
isposed of one of his four cattle and
trying to dispose of the others, that
e has directed his wife to go to her own
ouse and that the two accused
ave given up their ordinary avocations
or a week.

These facts superadded to that
at the father has come forward
to denounce his son shows that
the case requires careful enquiries.
I have therefore directed the Wallewand
Tahsildar to institute secret enquiries
and communicate the result and
am further sending a copy of this
letter to the Superintendent of Police
for his information

6. The Taluk magistrate's report

No 161 dated the 15th instant and
its enclosures are forwarded.

I have &c.
Sd/ V. A. Brodie,
Ag. Head asst. magte
in charge of Special asst.
division

(True copy)

Ag. District magte.

Enclosure No 2 letter d/7 April 84
to the Chief Secy to Govt

6

Head Asstt: Magte's: Court
Palghat 5 April 1884.

To

The District Magistrate,
Calicut

Sir,

In continuation of my let
No 229 dated 18 ultimo when in charg
of the Special Asstt: Division I have
the honor to inform you that the acc
Moidin Kutti was arrested by the Polic
on the 15 ultimo without difficulty

2. The accused Kutti Assan ha
got information that the Police were
in search of him from one Assan
Kutti at first absconded taking with
him a loaded gun, but after wandering
about for several days was induced
by outsiders to surrender himself
to Inspector Ahamed Ganikhal Khan
Bahadur on the 20th ultimo

3. I proceeded to Malapuram
on the 19 ultimo and on the 21st
to Melattur and personally examined
and recorded the evidence of

1 Appathura Pattar whose life accused
tended to take.
2 Moorkan Mammutte and
3 Pookootti Mammutti (who
e that they were asked by accused
in them in a fanatical enterprise
were contemplating).
alliyil Moidin the father of
isoner Moidin Kutti and
the Tahsildar's informer Moythutti,
merely questioned, but their
idence being purely hearsay, I did
ot record it.

On the night of the 21st I returned
o Manjeri and next morning examined
length the prisoners Moidin Kutti
and Kutti Ammu.

5. The only direct evidence is that of the witnesses Moorkan Mammutti and Pookotti Mammutti but from the manner in which it was given and the fact that neither they nor any others appear to have any motive whatever such as enmity for giving false information against accused, I am convinced that it is thoroughly reliable and should not hesitate to commit accused to the Sessions upon it.

6. We have in addition the fact that there was last year a rumour that the prisoners and Pookotti Mammutti intended to go out and that they were made by their neighbours at the instance of Inspector Ahamed Gurikkal to take an oath that they would not, and that both prisoners are in straitened circumstances in consequence of their lazy and spendthrift habits.

7. The prisoners are now in the Palghat Sub Jail under a warrant issued by me charging them under Section 115 of the Indian Penal Code with conspiring to commit murder.

8. Avaran Kutti, who gave information to Kutti Ammu that the Police were searching for him has been arrested but not yet produced before me and I am issuing a warrant under Section 212 of the I.P.C. for one Osaan Koyamoo who appears to have harboured the same prisoner for three days when in hiding.

9. Although Moothan Mammutti nd Pookotta mammutti no doubt romised to join the prisoners not o they now say in order to ascertain their plan, but with the intention f adhering to their word I have ot taken any steps against them that would close their mouths nd beyond a hint to Pookotta mammutti to that effect at the lose of his examination which rendered him dumb with terror for the moment. I have throughout pretended that I entertain no such suspicion against them and have so acted.

10. Upon receipt of a joint report from the Tahsildar magistrates who have been directed to submit one, I shall report to you further and in detail.

I have &c
Sd/ V. A. Brodie
Ag Head Asst Magte.

(True copy)

Ag. District Magte.

Jud. 1427/84

Confidential

No. 2611

Malabar District Magte's Court
Calicut 6th June 1884

From

C. A. Galton Esq:
Ag: District Magistrate of
Malabar.

To

The Hon'ble E. F. Webster
Chief Secretary to Govt:
Ootacamund.

Sir,

In continuation of my letter dated 7th April I have the honor to submit a detailed report from the Head Assistant Magistrate on the results of the enquiry into the charge of conspiracy to murder one Appatura Pattar of Melattur Amsam in Walluvanad Taluk brought against Ossan Kutti Mammu and Vakkayil Moidin Kutti, both of Chembrasherry Amsam in Ernad Taluk. The case has been fully investigated by the Tahsildars of Ernad and Walluvanad conjointly

The enclosure to the report sent separately and the Head Assistant Magistrate also made a personal enquiry on the spot as soon as the occurrence was reported. Mr Brodie has dealt so fully with all the circumstances in his very lucid and exhaustive report that it is only necessary for me to summarize the facts and state the recommendations which I have to make for the consideration of Government.

2. It appears that Ossan Kutti Mammu, who is a barber by trade, gradually ceased to exercise his calling from the time of the death of his father and elder brother, about two years ago, and has since depended for his livelihood upon the cultivation of lands held on lease from Appatira Pattar and Puthangodan Moidin Kutti, the annual rent payable to the former being 90 paras of paddy and that payable to the latter being 100 paras; he has very little property besides. Latterly he has fallen into arrears with his rent and owes 30 paras of paddy to Appatira Pattar and

80 paras to P. Moidin Kutti. In consequence of this default, Appatira Pattar prevented Kutti Mammu from ploughing the land in February. On the 1st March an interview took place between them when the former offered to allow the latter to continue to cultivate provided he gave security for due payment of the rent, an offer which Kutti Mammu angrily declined. On the 3rd March Appatira Pattar went to Manjeri on business connected with a civil suit and thence to Calicut.

3. During his absence, overtures appear to have been made by the prisoners to two men who reside in the neighbourhood to join them in an outbreak. One Moorkan Mammutti states that on the 5th March he was stopped on the road by Vakkayil Moidin Kutti and asked to join him and Kutti Mammu in an outbreak. The invitation was conveyed in somewhat enigmatical language "We must ascend somewhere and die - we will

obtain salvation. You must also join"; but the purpose was clearly intelligible to the witness as he commenced to enquire about the persons concerned and the weapons to be used. He does not seem to have been informed at whom the conspiracy was aimed. Moorkan Mammutti consented to join and on his return home informed his brother Moyuthkutti, who lives in an adjoining house, of what had occurred. On the following day similar overtures were made by Kutti Mammu to Pookoth Mammutti, who is a brother-in-law of the above mentioned Moyuthkutti and resides with him. Pookoth Mammutti on asking particulars was informed that the intention was first to kill Appatura Pattar, because he had threatened to evict Kutti Mammu. Pookoth Mammutti on his return home told his brother-in-law of the occurrence and the latter becoming alarmed proceeded at once to give information to the following neighbours

and

and relatives.

(a) Chettiyanthodi Alavi
(b) Chettiyanthodi Kunhi Marakar (brother-in-law of Moidin Kutti's father).-
(c) Vakkayil Moyithin (V. Moidin Kutti's uncle)
(d). Puthengodan Moidin Kutti (Kutti Mammu's landlord).

The last mentioned is the most influential mappilla of the neighbourhood; his father was deported and he was fined Rs 3200 on account of the outbreak in 1880 - vide G. O. dated 19 October 1880 No 2500 and 26 December 1880 No 3002. Moyuthkutti also went to warn Appatura Pattar, but as already stated he was absent.

4. The same evening Moidin Kutti's father Vakkayil Marakar was informed by his brother V. Moyithin of what had transpired and on the following morning they took steps to prevent Moidin Kutti from doing any mischief by removing him to the house of his father-in-law Kozhichen Moidin Kutti residing in Melatur Amsam, who was instructed to watch him closely. It appears to have

been decided to await the return of Appatura Pattar and to consult him and also Ahmad Kunikal, the Police Inspector, who is uncle to Puthangodan Moidin Kutti, before taking further action in the matter.

5. On Saturday, the 8th March, a significant conversation took place between Kutti Mammu and his landlord Puthangodan Moidin Kutti. The former went to the latter to demand payment of a small sum for ghee supplied and after discharging the debt, Moidin Kutti asked for the balance of rent due to him. Kutti Mammu professed his inability to pay, whereupon Moidin Kutti said he must give up the land. In the course of the conversation Kutti Mammu is reported to have said that he had already given up the land held from Appatura Pattar and that for the future he did not require lands from any one. As cultivation was his only means of livelihood, this statement is an important link in the chain of evidence as tending to show that at this time

Kutti Mammu had resolved to carry out his desperate enterprise.

6. Immediately on his return from Calicut on the 9th March, Appatura Pattar was duly warned first by Puthangodan Moidin Kutti and afterwards by the others who were in the secret of the design against his life and in consequence of their representations he took precautions to ensure his safety by keeping armed retainers at hand. On the following day P. Moidin Kutti seems to have gone to consult his uncle, the Police Inspector of Ernad, by whom he was advised to give information to the Taluk Magistrate. After an interval of four days on Friday the 14, the delay being caused partly by the non-arrival at Manjeri of P. Marakar, the other petitioners having preceded him and partly to the absence from the station of the Taluk Magistrate, a petition was presented to the Tahsildar by

(a) P. Marakar (Father of Moidin Kutti)
(b). P. Moythu (Brother of Marakar)

(c)

(c) Moorkan Moythutti (Brother of Moorkan Mammutti)
(d) Chettiyanthodi Kunhi Marakar (Brother-in-law of Marakar)
(e Chettiyanthodi Alavi -

charging Moïdin Kutti and Kutti Mammu with conspiracy to commit murder. The former was early on the following day (Saturday) delivered over to the Police by his relatives but the latter escaped into the jungle with a gun. Appatura Pattar thereupon sent for Kutti Mammu's cousin Avulla and advised him to induce Kutti Mammu to give himself up. On Wednesday the 19th Avulla appeared at Appathura Pattar's house with Kutti Mammu and on the following day the latter gave himself up to the Police Inspector at his house at Payanad.

7. Enquiry as to Kutti Mammu's movements shows that on Saturday morning he received warning, supposed to have been conveyed to him by one Chirata Mammu Avaran Kutti, that the Police were in search of him. He thereupon went to the house of his younger brother Mahmad and

obtained

obtained a gun which the latter had borrowed on the previous day for sporting purposes from one Appu. Returning to his own house he loaded the gun and armed with it and a large waist knife ran off in haste to the jungle, the Police being then close at hand on a neighbouring hill. At nightfall he made for the house of his brother-in-law, Koyamoo, with the object of consulting one Kalathil Kunholan, one of the most influential Mappillas of those parts whose character and antecedents have been recently brought to the notice of Government in the report regarding the enquiry at Pandikád which led to Mr Tate's removal. Kunholan however was absent from home and there is no evidence to show that Kutti Mammu succeeded in communicating with him. The latter appears to have remained at his brother-in-law's house till Wednesday when he went to the house of his cousin Avulla by whom he was persuaded to surrender himself, which he did on the following day as stated above.

8. These are the facts as ascertained by a searching local enquiry and there is no reason whatever for disbelieving the evidence. At paras 26 to 37 Mr Brodie has given at length his grounds for considering that it is worthy of credit. These are chiefly as follows:

Firstly, the design was brought to light by the near relatives of the conspirators who would naturally be inclined to save them and who presumably have only been induced to come forward and denounce them through fear of being themselves implicated should the design be carried into effect. It is reasonable to suppose that the measures adopted on the occasion of the outbreak in this very Amsam in 1880 have instilled a wholesome dread amongst the more respectable section of the Mappilla community of any recurrence of fanatical outrages and have led to the disclosure

of the present conspiracy. The accused themselves cannot assign any reasonable cause for a false accusation being brought against them and have in fact no defence to offer. Moidinkutti's father appears to have been much grieved by his son's conduct and his behaviour throughout indicates that he was not actuated by any feeling of enmity towards his son. Kutti Mammu's defence that the accusation has been brought through malice because he has caused inconvenience to his neighbours by giving up his occupation of shaving and because being of the barber caste he has recently married a Mappilla woman and thereby given offence to the Mappilla community is a wholly inadequate explanation of such a charge being falsely brought against him and nothing was elicited at the enquiry which tends to show that there was any feeling of enmity towards him in the neighbourhood on these grounds.—

9.

9. Secondly the evidence is consistent throughout and bears the impress of truth. The only direct evidence is that of the two men Mooskan Mammutti and Pookooth Mammutti, who assert that they were asked to join in an outbreak. They are stated to have given their evidence in a straightforward manner and when questioned by me their answers were given in a manner to lead me to think that they were speaking the truth though naturally they appeared alarmed at the prospect of punishment. I formed an opinion of their character similar to that which Mr Brodie arrived at. Pookooth Mammutti especially seemed to be deficient in natural intelligence and both were men of a low stamp and such as would be likely to be found joining in a fanatical enterprise. Moreover they are both believed to have been concerned in a previous conspiracy together with the two men now in

custody

custody and would be likely to be associated with the latter again in furtherance of a similar design. Although the case against the accused rests in the main on the testimony of these two men, the evidence of the rest of the witnesses shows that the charge is generally believed to be true by all who have been examined, principally the relatives and neighbours of the men themselves and belonging to the same caste. As regards Kutti Mammu his conduct when he became aware that the Police were in search of him is strong evidence of guilt.

10. Thirdly the character and antecedents of the prisoners are such as to render the story highly probable. There is abundant testimony to the fact that Kutti Mammu is a reckless and unprincipled man. As Mr Brodie remarks, not a single individual has a good word to say for him. His nearest relations speak of him as a man of violent temper

utterly devoid of principle. Though only 25 years of age, he has married four wives, of whom he has divorced two and turned a third out of his house. — Moidin Kutti is described by his own father and uncle as an undutiful son who has neglected his cultivation and followed his own devices regardless of the wishes and advice of his relations. He appears to be a man of weak character and a tool in the hands of Kutti Mammu with whom he has been on terms of close intimacy. As to their antecedents it appears from the evidence to be notorious in the neighbourhood that only a year ago they were engaged in a conspiracy with others to commit murder, but the plot was discovered before it was carried into execution and they were compelled to abandon the project and to take an oath that they would remain quiet. Kutti Mammu admits that he took such an oath and Moidin Kutti was removed to his father's house for greater security. Both Moorkan Mammutti and Pookoth Mammutti are believed to have been concerned in this conspiracy and Ahmad Quithal, the Police Inspector, states that he compelled one of them, the latter he thinks, to take an oath not to go out. There can, I think, be no question that such a plot was formed, that the prisoners were concerned in it and that it was counteracted by timely discovery and prompt interference on the part of the people in the neighbourhood. The failure of this intervention to secure tranquillity appears to me a sufficient explanation of the action of the petitioners in denouncing their relatives to the authorities. A recurrence of the risk after so short a time has convinced them that their own influence is insufficient.

11. Lastly, there was an obvious motive for selecting Appatura Pattar for attack

Not only is there good ground for supposing that Kutti Mammu bore him a grudge personally on account of the recent disagreement about the cultivation of the land held by the former from the latter, but the fact that Appatura Pattar had rendered himself obnoxious as a landlord generally and had been marked for destruction in 1880, would account for his being chosen as the victim in any subsequent fanatical outbreak.

12. On the above grounds I am of opinion that the charge is well-founded and it only remains to consider what action should be taken. Mr Brodie is in favor of a criminal prosecution before the Court of Session, but for the reasons explained in my letter dated 7th April, I do not think that the facts constitute the offence of abetment as defined in Section 107 of the Penal Code, the conspiracy not having been followed by any act or illegal omission in pursuance thereof, consequently section 115 is inapplicable and as to Section 121A the conspiracy was

not directed primarily against the Government and the contemplated resistance to constituted authority was merely an incident of the design. Recourse should be had to the enactment specially framed to meet such cases, Act XX of 1859. I concur in Mr Brodie's recommendation that Kutti Mammu should be deported for life, and that Moidin Kutti, who does not appear to be of so dangerous a character should also be deported but that an expectation should be held out to him of being allowed to return after a lapse of some years provided he continues of good behaviour. They are now in custody in the Palghat Jail, but will be transferred to the District Jail, Calicut, at once. As regards Moorkan Mammutti and Pookooth Mammutti, although I consider that there can be no question that they consented to join the conspiracy with the full intention of aiding the commission of the contemplated crime, as they have been used as approvers and have

I believe disclosed all they knew about the matter, I would deal leniently with them and merely require them to give security for keeping the peace. They have hitherto been at large on their own recognizances to appear when called upon to do so, but will now be arrested and confined in the District Jail pending the orders of Government in their case. In former cases security has been required for three years under section 506 of the old Code of Criminal Procedure X of 1872, but the corresponding section of the present Code (Section 110 Act X of 1882) omits "desperate and dangerous characters" from the list of those who may be required to give security for good behaviour and it will be necessary to proceed under section 107 and take security for keeping the peace; the term is however limited to one year by the present Code, whereas under the former Act section 499 it might be extended in similar cases to 3 years by order of the Court of Session. As the law stands therefore security

cannot be required in cases like the present for a longer period than one year and the term cannot be extended. The alteration is to be regretted, but in the present case it will I think suffice to take security for one year.—

13. Three others were arrested in connection with the present occurrence, but have been released on bail by the Head Assistant Magistrate, namely Chiratamanna Avaran Kutti, Ossan Mahomed and Ossan Kozamu. They will now be re-arrested and confined in the District Jail pending orders of Government.— The first named is the man who warned Kutti Mammu of the arrival of the Police and enabled him to effect his escape; the second is the younger brother of Kutti Mammu from whom the gun with which the latter absconded was procured; the last named is Kutti Mammu's brother in law who harboured him whilst evading arrest. There is no evidence to

that Ossan Mahmed procured the gun for a criminal purpose and Mr Brodie considers it unnecessary to take further action in his case. I concur in this view. As regards the others, Mr Brodie considers that if they cannot be prosecuted under the Penal Code, they should be deported for one or two years as a punishment. I am clearly of opinion that a prosecution under the Penal Code would fail, Kutti Mammu not being charged with an "offence" as defined in that Code. They must be dealt with under the Mappilla Act if this can legally be done but Act XX of 1859 appears to be defective as none of the offences specified in section 3 of that Act will cover the particular acts of which these men were guilty and the powers conferred in section 6 can only be utilized in respect of persons charged with or suspected of an intention to commit any offence punishable under the Act. It would however have a wholesome effect if they could be deported for two years each in order to serve as

an

an example to deter others from rendering similar assistance in future. On similar grounds I approve the suggestion that a reward of Rs200, which might be given in the shape of a presentation bangle or gun of that value, be given to Moorkan Maythutti in recognition of the services rendered by him in disclosing the plot. He seems to have been chiefly instrumental in frustrating the design of the previous year also. I concur with Mr Brodie in considering that a system of rewards as well as penalties is likely to prove beneficial.

14. I think it very desirable that a Police station should be established in this part of the country as recommended in para 44 of Mr Brodie's report. Major Hole is strongly in favor of the proposal.-

15 No connection has been traced between this case and that which occurred recently at Pandikad

and I believe them to be quite independent occurrences. There is every reason to think that Kutti Mammu sought Kalattil Kunholan, who was suspected by Mr Tate of being concerned in the Pandikad affair, solely on account of his reputation for ability in that neighbourhood, which has it appears been considerably enhanced by the transfer of Mr Tate which unfortunately is attributed to his influence. There is no evidence to prove that Kutti Mammu communicated with Kunholan who was absent from home at the time and even if he did, the advice he received was apparently to surrender so that there are no grounds whatever for proceeding against Kunholan as far as this case is concerned. Nor do I think he can be dealt with under the Mappilla Act for the offence of which he was found guilty by the Joint Magistrate. A copy of the Joint Magistrate's decision and of the judgment

of the Sessions Court on appeal is forwarded for the information of Government. Desirable as it would no doubt be to get rid of this man, the circumstances do not warrant any action at present and all that can be done is to watch his actions carefully.

I have the honor to be,
Sir,
Your most obdt. servant,

Ag. District Magistrate.

No. A

Malabar Head Assistant Magte
Office
Camp Kollengode 21st May 1884.

From

V. A. Brodie Esquire.
Ag Head Assistant Magistrate
Palghat.

To

C. A. Galton Esquire.
Ag District Magistrate of Malabar
Calicut.

Sir,

In continuation of my letters no. 229 and A dated the 18th March and 5th ultimo respectively, and with reference to your Proceedings no. 1673 dated 7 ultimo, I have the honor to submit the following detailed report upon the circumstances which led to the arrest of the men Ossan (or Athan) Kutti Mammu and Vattakayil Moideen Kutti now in custody upon a charge of conspiracy to murder one Appatura Pattar of Melatur Amsam in Wallavanad Taluk and subsequently after committing other outrages to die as martyrs. I also enclose for your information the statements of the accused, the depositions of the 30 persons whose evidence has been recorded and all the other records connected with the case.

2. The conspiracy was formed in the thickly populated and jungly amsam of Chembrachery in Ernad Taluk of which the first prisoner, Kutti Mammu, is a permanent resident and in which the second, Moidin Kutti, has for some years lived in a Kallam (farm house) of his father's called Kalambra, situated about 3 furlongs from the house of Kutti Mammu. Appathera Pattar on the other hand whom it was the intention of the conspirators to attack first, although he has lands in Chembrachery Amsam, lives about 3 miles east of the prisoner's in the adjacent amsom of Melatur in Walluvanad Taluk of which Moideen Kutti is also a native and in which both his own and his wife's relatives reside. These amsams though belonging to different Taluks are separated by no natural boundary such as a river or range

of

of hills and in both the moplahs form a large proportion of the population.

3. The facts disclosed by the evidence are that Ossan (or Othaman) Kutti Mammu who is, as the word "Ossan" denotes a moplah of the barber class which is generally regarded as an inferior one by moplahs engaged in other pursuits, ceased gradually after he became his own master by the death of his father and elder brother, about 2 years ago, to practise his hereditary profession of a barber and about a year ago gave it up altogether. Since then he has depended entirely for his livelihood upon the cultivation of certain lands held by him upon simple lease from the above mentioned Appatera Pattar and one Puthangoden Moideen Kutti (9th witness) and situated in Chembrachery Amsam, Puthanazhi Desham, Ernad Taluk, where he resides.

4. From each of these persons according to his own statement Kutti Mammu holds about the same extent of land (land

requiring 10 paras of seed to sow it) for which according to the report of the Tahsildar which I believe in preference to his own statement which makes his rent somewhat lower, he pays an annual rent in kind of 90 paras of paddy to Appatera Patter and 100 paras (80 for double crop and 20 for single crop or palliyâl land) to P. Moideen Kutti. He also pays the assessment Rs 2.2.- upon a portion of the land that he holds under the latter.

His other property is very trifling and consists of one buffalo bullock of his own 4 buffaloes (cows and calves) which belong of right to his elder brother's heirs but which he has appropriated to himself, 12 paras of paddy which he contributed to a lottery and is entitled to recover, a certain sum payable for improvements effected by him and

his

his father in P. Moideen Kutti's palliyâl which he estimates at Rupees 50 and Moideen Kutti at Rupees 20, and a house worth 5 or 6 Rupees. The land upon which his house stands appears to be included in that demised to Appatera Patter on Kánom by Puthanazhi Eradi, but no separate rent is charged upon it.

5 Although, however, he is now entirely dependent upon the profits of his cultivation, it appears from the evidence of almost all the witnesses in a position likely to be acquainted with the subject that he has not for some time been so attentive as he used to be to the cultivation of his fields and whereas his father never failed to pay the rent in full, his landlords assert, and Kutti Mammu admits, that he has already, though less than two years in occupation, fallen into arrears with his rent to the extent of 30 paras of paddy in the case of Appathera Patter and 80 paras in that of Puthengadan

Moideen Kutti.

6. In respect of the arrears due to him which accrued a year ago or in the first year of Kutti Mammu's tenancy Appathera Putter appears on many occasions to have demanded payment, for he tells us that Kutti Mammu promised when it fell due to pay it after he reaped the Canni (September) crop of the next year and then promised he would pay it when he reaped the Magaram (January crop). Again he failed to keep his word and was warned by Appathera Putter in February last that unless he paid it he would not be allowed to plough the land again. Notwithstanding, three days afterwards, according to Appathera Putter, Kutti Mammu commenced ploughing the land, but desisted when told to do so by messengers sent by Appathera Putter. The

last fact Kutti Mammu admits.

7. The next event was a personal interview between Appathera Putter and Kutti Mammu in connection with the matter upon the 1st of March and as to what took place between them upon that occasion I think I cannot do better than quote Appathera Putter's own words which may I think be implicitly believed, as his evidence was given so quietly and straightforwardly and so obviously without malevolence against the accused whom he believes to have been designing to take his life that I confess I was astonished and the more so, because he very narrowly escaped death at the hands of the fanatic Ali in 1880 and so might naturally be expected to cherish the bitterest feelings against such would-be assassins. His statement is as follows:—

"I told him that he must give me

a surety (or security as the word used [illegible]) may mean either) for the rent if he were to continue to cultivate the land. He replied that he could not do so and if I insisted on having a surety (or security) he would relinquish. He said this angrily. When I heard him speak angrily I said (by way of advice) that he had better give security now and I would allow him time to pay. He again replied that he would not give security. If I chose to let him have the land he would take it, if not he would give it up." This conversation, the occurrence of which is also sworn to by the 26th witness Kattachirayil Chattiyanthodi Pokker, shows, I think, that even at that time Kutti mammu must have been meditating some reckless and desperate course of action or he would not have shown such indifference

to

to Appathura Patter's advantageous offer particularly as with P. Moideen Kutti's land alone he could not make enough to live upon even if he had not been in arrears with the rent of that land also.

8. Upon the 3rd March Appathura Patter went to Manjeri as a suit in the Munsiff's Court there in which he was interested was to be heard on the 4th and from Manjeri he afterwards went on to Calicut.

9. In the continuation of the story we must now turn to Moorkkan Mammutti, his brother Moithutti and their brother-in-law Pookooth Mammutti (witnesses 7, 3 & 8).

Moorkkan Mammutti's statement is that as he was on his way to Imfalin (a neighbouring hamlet) on Wednesday the 5th March he was stopped by Vakkayil Moideen Kutti - the 2nd defendant in this case and, as the evidence shows, the neighbour and intimate associate of Ossan Kutti Mammu who under a promise of secrecy said "we must ascend somewhere (i.e. break out) and die, we will obtain salvation. You must also join." Mammutti agreed to do so and was told in reply to his further questions that Kutti Mammu was of the band and that the weapons were to be firearms. The same afternoon upon his return from Irimpatiri he informed his brother Moyinkutti, who lives in the adjoining house, of what had occurred. The evidence of Pookoottil Mammootti is similar; only he was asked to join on Thursday the 6th and by Kutti Mammu who told him further after he had promised to join that it was intended to attack Appatara Pattar first as he was threatening to oust him (Kutti Mammu) from certain lands and then

whoever

whoever they might decide upon. This witness also at once told Maankhan Moyinkutti who is his brother-in-law and with whom he resides, and Moyinkutti the same evening as the matter appeared to be serious gave information of what had occurred to Chettiyanthodi Alavi, Chettiyanthodi Kunji Marakar (the brother-in-law of Vakkayil Moideen Kutti's father) Vakkayil Moithin (V. Moideen Kutti's uncle) and Puthanpodan Moideen Kutti (Kutti Mammu's other land lord besides Appathara Pattar and 9th witness) the most influential moplah of that neighbourhood whose father was deported and who was fined Rs. 3,200 on account of the outbreak of Ali in 1880. Moyinkutti also went to Appatara Pattar's home to warn him but found him absent from home (as already stated he was at Calicut).

10. Vakkayil Moyinkutti, the same

evening (Thursday) at dusk informed his brother Marakkar Moideen Kutti's father, and they next morning went together to Kallambiri Kallam (farm house) where Moideen Kutti was residing and upon the pretext that his wife who having been attacked with fever had gone to her father's house in Melatur Amsom about two months before, was in a critical condition induced them to accompany them to his father-in-laws' where they left him after giving private instructions to the latter, Koyluchiri Moideen Kutti (12th witness) to watch him closely and not allow him to go anywhere until their return.

11. After removing Moideen Kutti his father and Moyutty appear to have informed Poothangodan Moideen Kutti of the fact and before taking further steps it was decided, upon consultation with him to await the return of Appatera Puttar and obtain his advice. On this point indeed I must admit that the evidence is not very clear as many of the witnesses including the 3rd, Moyuttikutti, say that further action was postponed until Poothangodan Moideen Kutti could consult and obtain the advice of his uncle, Alimmed Kunhikkab, the Police Inspector, but I have preferred to adopt the evidence of P. Moideen Kutti himself which is supported by the admitted fact that nothing further was done until after Appatera Puttar's return. Probably both plans were decided on viz that Appatara Puttar's return should be awaited and then after consulting with him Poothangodan Moideen Kutti, if Appatara Puttar so advised, should refer to his uncle, the Inspector, for instructions as to how they should proceed.

12. On the next day, Saturday, the 8th, Kutti Mammu went to Poothangodan Moideen

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Moideen Kutti to demand the payment of Rs. due on account of Rice supplied by him to Moideen Kutti and the following is the latter's account of what took place on that occasion.

" I paid him the amount and asked him for the balance of rent due to me. He said he could not pay it this year but would pay me by instalments. When I said that I would not consent to this he told me decisively that he could not pay it to me this year. I asked him to give back the land and he replied that he would - - - - - - - - - - - - when I spoke to him as already stated about his giving back my land he said that he had also given back Appatura Puttan's land. and that for the future he did not require lands from any one." The last remark is

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in truth made and I think it must have been as there is nothing in the evidence to make me regard this witness as a bitter personal enemy of the prisoner is a very significant one, as without lands I fail to comprehend by what means the prisoner intended to make a livelihood, for, his character and his disposition render it out of the question that he would ever again revert to his profession as a barber a descend to that of a cooly labourer.

13. On Sunday the 9th Appatura Puttan returned from Calicut and as his evidence is very clear with respect to what occurred I will here narrate Sunday's events in his own language. "On Sunday the 9th March as I was returning home from Manjeri Puthenpodan Moideen Kutti met me on the road and said that as Kutti Mammu and others were going about saying something I should not

be

go about alone. As I was by myself he then accompanied me home. Arrived there, I asked him what was the matter and he taking me apart said Vakkayil Moideen Kutti, Kutti Mammu and some others whose names have not come out entertain evil intentions towards you! He had first said Kutti Mammu and others and when I asked who were the "others" he said "Moideen Kutti" and that he had not heard the names of any others. I then asked what he meant by the word "(ദുരുദ്ദേശം)" "evil design" and he replied that they intended to do me some injury. Two naligas (three quarters of an hour) after I had sent away Moideen Kutti asking him to let me know anything of moment that he might hear, Vakkayil Moideen Kuttis father (Marakkar 1st witness) and

and his (fathers) younger brother Moythin (2nd witness) came. They told me not to go out alone and said that hearing something they had taken Moideen Kutti from the Kallam and made him over to the care of his father-in-law who lives in this amsam Melatur at Edapetta, one mile from here (witness' house), and two from the Kallam*. His father was crying when he asked me not to go out alone. As the father was crying I could not understand him well. I pacified him (i.e. told him not to cry) and asked his younger brother to explain. He said (Vakkayil) Moideen Kutti asked our Moorkhan Moythutti's younger brother, Mammutti, to join them in a riot (outbreak) and Ossan Kutti Mammu has asked our Pookutti Mammutti to join. According to him (Moythin) those two who had been asked to join told (Moorkhan) Moythutti about it and Moythutti had told them. About 4 Naligas (an hour and a half) afterwards in the evening, Moorkhan Moythutti, Chettiyanthodi Alivi, and Chettiyanthodi Kunhi Marakkar came and told me the same story. . . . . . .
I then sent for (Vakkayil) Moothia (12th witness) an

*Kallam [illegible] Kallam in Chembrachery.

an elder brother of Moideen Kutti's father and a respectable man. He is a friend of mine. I asked him his opinion. He replied that he knew very little about the boy's (Moideen Kutti's) character. When I pressed him he said he had no faith in him and he was not a good character. Next morning Moythutti, Moyutten, Alavi and Kunji Marakar came again and advised me to take care as if anything happened they would also be put to trouble! After that I took care and had 6 armed men four with guns and 2 with clubs and knives to protect me."

14. Regarding the events of the next few days the evidence is not so clear and consistent as I should have wished, but what actually did occur would appear to be that on Monday the 10th Poothenpoden Moideen Kutti went to Manjery and on his way home stopped the night at Payanād at the house of his maternal uncle Ahamad Kurikkal Khan Bahadur

Bahadur, the Police Inspector. Next day Tuesday he returned to Melatur with the Inspector's order that they were to present a petition.

15. Why the Inspector did not interfere directly on the information he received from his nephew I do not quite understand, but as he took prompt enough measures after receiving the Magistrate's order, I presume that anticipating no immediate danger, as Moideen Kutti had been secured and Appatan Pattar warned and on his guard, he was unwilling to interfere until the information had been recorded by a Magistrate. Whatever may have been his motive however for throwing the responsibility of taking the initiative upon the Magistrate, I think he acted rightly, for, had he interfered hastily when hasty action was no longer absolutely necessary, the witnesses might possibly have gone back when of course the case must have failed. On the other hand when once they were got to take the decisive step of appearing before a Magistrate and their statements upon oath were recorded

the difficulties in the way of turning back in a manner compelled them to go on.

16. On Tuesday afternoon [illegible] the 2nd 3rd 4th + 5th petitioners to the Tahsildar (Vakkayil Moidu, Moorkan Moythutti, Chettiyanthodi Kunhi Marakar, and Chettiyanthodi Alavi) appear to have proceeded to Manjery, but did nothing on Wednesday owing to the non-arrival of the first petitioner, Vakkayil Marakkar Moidin Kutti's father until late in the evening. On Thursday they got the Petition written, but say they could not present it on that day as they heard that the Tahsildar was absent at Vandotti (why they did not go to the Sheristadar magistrate, they do not explain) and it was only on Friday evening after the Tahsildar had left office that they went and presented their petition to him at his house. He at once examined the 1st and 3rd petitioners (V. Marakkar and Moythutti) and after reading their

statements

statements issued an order to the Inspector to send police with them and promptly and secretly effect the arrest of the accused, Kutti Mammu and Moideen Kutti.

17. Although no doubt under ordinary circumstances considerable stress might probably be laid upon the delays in this case as evidence of the story being a made up one, to my mind the explanations of the petitioners are quite satisfactory, for they are not men of influence and education and some of them, or at any rate, Moideen Kutti's father must have been very averse to extreme measures. It was therefore only natural that they should refer for advice in the first instance to Appatura Kutter who is a man of ability and well acquainted with the procedure of Courts &c and then when he could suggest no course of action but the extreme one of giving information to the public authorities, to the Inspector through his relative Puthengadan Moideen Kutti. Probably too besides the causes given by the Petitioner Moythutti (3rd witness) (also by

Alavi

Alan 5th informer and witness) for the delay from Tuesday morning when the Inspector's opinion was made known till Friday evening the late arrival of Maidoon Kutti's father and the difficulty of getting their petition written and presented in such a manner that its contents and the object of their visit to Manjery might not become generally known. there were long and anxious deliberations amongst themselves and much difficulty in persuading Maidoon Kutti's father to take the final and irrevocable step of denouncing his son as a public enemy before the Magistrate.

18. From Manjery the petitioners and police marched during the night of Friday the 14th to Appatera Puttur's house in Melatoor Amsam and from thence on the morning of Saturday they set out to arrest Kutti Mammu. Instead however of proceeding directly to his house they halted on the top of a neighbouring hill from which they could

Command

command a view of it and when in ambush there, saw Kutti Mammu return home with a few and after only a few minutes' stay again emerge and running Southwards with his few adherents and disappear into the jungle in that direction where pursuit was hopeless. The Police therefore after searching his house and neighbourhood for him naturally without avail returned to Appatera Puttur's house where Maidoon Kutti was brought by his father, father in law and uncle Moythu and made over to their custody.

19. Appatera Puttur states that on the same day (Saturday) he sent for Kutti Mammu's cousin, Avoolla, who lives in Melatoor Amsam and gives the following evidence respecting what he did on that and the next few days "I told him it would be better in the interests of himself and others if Kutti Mammu would give himself up. He said he would advise him to do so if he saw him. He told me then he did not know where he was. I also asked him to bring Kutti Mammu to me if he would not hear his (Avoolla's)

words. I did this as I had no grudge against Kutti mammu and he had no reason to consider me his enemy properly speaking. . . . . . Avoolla came back at noon on Sunday and told me he had searched for, but could not find Kutti mammu and that he had no clue to his whereabouts. I advised him again that it would be better for them if Kutti mammu voluntarily appeared before a Court. He went away saying he would try again. The day before yesterday (Wednesday) 17th Avoolla brought Kutti mammu to me about noon. Avoolla placed Kutti mammu in the gate house - - - - and came and said that he wanted to tell me something privately. I refused to leave my companions and told Avoolla as an excuse I would come when I had sent away those who were with me. Avoolla remained sometime without saying anything. Then I saw Kutti mammu come

out

out of the gate house and stand at a distance in the compound. I said "Is not that Kutti mammu". Avoolla said "yes" and that he had brought him. I called Kutti mammu and he approached slowly. All my servants then came and stood round me. I asked him why he stood at a distance. Then he approached me very slowly and at the same time looked very sorrowful and as if about to cry. I asked him why he was sad - why he had foolishly done as he had - and why he had absconded. He replied that he had run away through fear when the Police came and that all these things had been brought falsely against him. I said he must go at once to the Cutcherry and deliver himself up. He said he would do so but also said he was afraid the police would do something to him and that he would be punished. Then I said if he was innocent he would not be convicted, but it was not proper for him to have run off. To ensure his giving himself up I told Avoolla to go with him and not to leave him and he promised to do so." Every word of this statement is substantially corroborated by Avoolla (14th witness) and it may therefore I think be accepted as true without hesitation.

20. Respecting Kutti Mammu's movements after his interview with Poothangodan Moidun Kutti upon Saturday the 8th March (vide para 12) until the morning of Saturday the 15th, we have no certain knowledge and it would appear that he remained quietly at home until warned by one Chiriatummanna Avaran Kutti that a petition against him had been presented and that the police either were come or would shortly be coming in search of him. Avaran Kutti indeed denies that he ever gave Kutti Mammu any such warning but as Kutti Mammu is not shown by Avaran Kutti to bear him any ill will, and from his conduct on Saturday morning obviously had had previous intimation of the danger he was in, and could have no motive for telling his relative Avoolla

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at any rate an untruth in the matter — I am satisfied that Avaran Kutti was his informant and that the only point to be determined is the time when the warning was communicated.

21. On this point Kutti Mammu's statement is so contradictory as to be quite unreliable and that of Appaber a Putta is shown to be erroneous not only by the direct evidence of others as Mooskan Veeran (29th witness) but by Kutti Mammu's conduct itself. Upon a careful consideration of all the circumstances, I think that it must have been early on the morning of Saturday and that Ali Mammu (28th witness) who states that he saw Avaran Kutti and Kutti Mammu conversing privately together at that time may be believed; for his statement agrees as to place with Kutti Mammu's first statement that the warning was communicated to him at his gate. This theory is also the only one that affords a natural explanation

of Kutti mammu's subsequent conduct.

22. Regarding Kutti mammu's action on Saturday morning prior to his taking refuge in the jungles, we have the evidence of 5 witnesses (nos 17 to 21) of whom four are his own connections from which it appears that after his interview with Aboaran Kutti, Kutti mammu went in haste to his younger brother's house half a mile distant and there obtained a gun that his brother had borrowed the day before for sporting purposes from one Âppa (22nd witness). With this he returned to his own house but remained there only as long as was necessary to load it and then ran off to the jungle armed with it and a large waist knife that he usually wore — not waiting to drink his morning Congi (rice water) although his wife states that it was ready and that she offered

it

it to him.

23. These are doubtless the facts, for I lay no stress whatever upon the statement of his mother that Kutti mammu loaded the gun not at his own but at his younger brother's house. His mother alone of all the witnesses — not excepting his wife and younger brother — has shown a desire to screen her son so that her evidence generally is to be accepted with caution and on this point must be incorrect as the evidence of Kutti mammu's brother Unalimad (20th witness) though somewhat vague leads me to think that there was no ammunition in his house with which to load the gun and Kutti mammu's wife's evidence which may I think be fully trusted throughout clearly shows that the prisoner's sole motive for returning to his own house at all was to load the gun. But for that he would have betaken himself to the jungles direct from his brother's house.

24. After leaving his house it appears from his own statement and that of his

brother in law

brother-in-law Koyammo (15th witness) that Kutti mammu spent Saturday till night-fall in concealment in the jungle and then under cover of darkness made his way armed with his gun and knife to his brother-in-law's for the purpose as he himself states of consulting one Kalathil Kunholan who lives in his vicinity – an incorrigible and unscrupulous litigant and mischievous fellow who has recently acquired considerable notoriety amongst the moplahs of that region owing to Mr. Tate's transfer which he boasts and they in great measure believe was brought about by him. Owing however to Kunholan's absence at Malapuram Kutti mammu failed to achieve his object of consulting him at least personally for I am not at all certain though there is no evidence of it

that

that ~~that~~ shrewd individual had nothing to do with suggesting the clever ruse to clear himself from suspicion that Kutti Mammu afterwards adopted of going to Appatura Putten to ask what he should do before giving himself up.

25. After lying perdu there until Wednesday morning, Kutti mammu still carrying his gun and wearing his knife made his way to the house of his cousin Avulla (11th witness) who induced him to accompany him to Appatura Putten's house and then to go to Manjeri to surrender himself. That night they slept in the verandah of a shop by the way side. Next day hearing that the Tahsildar was at Malapuram they turned aside to go thither but only to be informed when they reached Irimpuzhi (2 miles away) that the Tahsildar had gone eastwards. Again they turned to go to Manjeri but finding the Tahsildar Magistrate had passed through (he had

gone to Chembrasseri) Kutti Mammu in the evening surrendered himself to the Inspector Ahamad Kurikkal at his house at Payyanad where I saw him next morning on my way to Melattur. The gun and knife which were left by Kutti Mammu at Avvallai have since been produced by the latter.

26. Such is the history of the conspiracy as told by the witnesses and that the prisoners went the length of forming a design to murder Appatan Pattar and afterwards die as martyrs for the faith of Islam at the hands of the police and soldiery and that they endeavoured to procure adherents in their scheme I am fully convinced is the case for the following reasons.

(a) The prisoners are friends and neighbours and so had every opportunity for making and discussing such a scheme.

(b) The character and previous history of the prisoners renders the story a probable one.

(c) This is probably not the first time they have been associated with one another with a view to such an enterprise.

(d) The informers are respectable and fairly well-to-do men of whom four at least are not only not actuated by malice against the accused but owing to their being closely connected with 2nd accused presumably disinclined to press the case against him.

(e) The witnesses Moorkan Mammutti and Pookutti Allamutti, though men of little intelligence gave their evidence in the most satisfactory manner and they are also the men who would naturally be the first asked to join them in such an enterprise by the accused as they appear to have been members of the former conspiracy.

(f) The evidence of all leads one to

conclude that the witnesses — even when moplahs themselves and neighbours or relatives of the accused believe the charge to be true.

(g) To attack Appatura Putta. Kutti mammu had special cause and for his being the first to be attacked there was also a special reason.

(h) The conduct of Kutti mammu when he heard that he had been informed against shows not only his desperate character but that he was afraid to meet the accusation.

(i) The very lame defence of the prisoners the manner in which it was given, and their inability to cite witnesses without hesitation shows that they had little hope of rebutting the charge against them.

27. (a) As already stated the part of Chembrachery Amsam where the prisoners reside is full of jungle and very sparsely populated so that although their houses are three furlongs apart, they must be regarded as

as near neighbours for none lives nearer either than the other. That they are besides close friends and constant companions is also amply proved by the evidence (eg witnesses 1 to 5. 8 + 9). Their wives indeed deny this last fact but I lay no stress whatever upon their statements as when pressed Moideen Kutti's wife stated that her husband had no moplah acquaintances in that neighbourhood and Kutti mammu's wife that she did not know the Kallam where Moideen Kutti resides, both which allegations must be false. Naturally where possible they have endeavoured to favour their husbands.

28. (b) As to the character and previous history of the prisoners there is ample evidence upon record and in both cases it is extremely unfavorable. Thus Moideen Kutti's father states "I got Moidan Kutti married 8 years ago (He is x28 years of age). He and his wife used to live with me. I have a Kallam (farm house) called Kallambin and some cultivation in Chembrachery Amsam. As Moideen Kutti was anxious to live separately he and his wife went and dwelt there. - - - Last year about this time I heard a rumour that Moidan Kutti and

Kutti

x This is his own statement. From his looks I should say he is about 25 only.

Kutti mammu were preparing to ascend some- when a other (eg. go out) and die. As soon as I heard that, I went to the Kallam and brought Moideen Kutti and his wife to my house. - - - - - - On my questioning him Moideen Kutti said he had never intended anything of that kind. As I had no confidence in this statement I made him live with me in my house. After 4 months Moideen Kutti pressed me to let him return to the Kallam. Thinking nothing of that kind would happen again, I consented - - - - - - In two years after he went to the Kallam my son used to attend diligently to the cultivation. Since then he has paid it less attention. I myself am in the habit of going and conducting the cultivation &c. After reaping, I will leave the crop to them. Moideen Kutti and his wife will have about 150 paras of paddy to live upon - - - - - Ossan Kutti mammu is a mischievous and turbulent man. It is on account of association with him that Moideen

Moideen Kutti determined upon the course he has taken. - - - - My 2nd son Ahamed (prisoner is the eldest) shot himself 5 months ago. He desired to be sent to Ponnani and remain there in order to study Koran. As he was able to work I did not consent."

Moideen Kutti's uncle Moithu says regarding the prisoner "Since Moideen Kutti began to live in the Kallam he and Kutti mammu have been intimate friends. Kutti mammu is a reckless and unprincipled man - - - - Moideen Kutti does not obey both his father and us (his uncles). He does not attend to his cultivation." His uncle by marriage C. Marakar (4th witness) says Kutti mammu and Moideen Kutti are intimate associates. Kutti mammu is a rogue and dare-devil (ready to venture anything) Moideen Kutti is completely under his control. Both of them have of late neglected their cultivation - - - - - Moideen Kutti does not obey his father. Moideen Kutti's father-in-law (10th witness) deposes "Moideen Kutti does not generally attend to the cultivation of the fields. His father cultivates for him. His father sorrows much over his son's inattention to his affairs - - - - - - . Taking into consideration his character and circumstances I am of opinion that he (Moideen Kutti) was a tool in the hands of Kutti Mammu and could by him be made to do anything." His uncle Moothar's (12th witness) opinion is no better. "Moideen Kutti has his own way and is self willed. He does not submit to me - - - - - . He has no affection for his father. His father is fond of him. He has pressed his father for partition but that is unusual during the father's life time - - - - - - - . He has little sense but I think he is careful in spending his money - - - - - - . Moideen Kutti and Kutti Mammu are disobedient and scoundrels. If this had not become public without doubt, they would have caused some calamity." This opinion is shared by Moideen Kutti's other uncle Hydross (13th witness)

Turning

Turning now especially to Kutti Mammu we find that not a single individual has a good word for him. His mother says least but she admits that he is irritable and easily angered. His brother Mahmad (20th witness) says "Our mother lives with me. We used to live together. Three years ago Kutti Mammu beat us and mother and turned us out. We have since lived apart. He is a mischievous man. Kutti Mammu has before married 3 wives and divorced them all (He is only 25) They were of the barber caste. His present wife is a Moplah." His cousin Avoollah's (14th witness) opinion is thus expressed. "Kutti Mammu is not submissive to his parents and relations. He is reckless and unprincipled. He is of a wicked disposition. He does not attend to his affairs. His brother-in-law Koyamoo (15th witness) says "Kutti Mammu does not submit to the control of any one. He is a rogue to some extent. - - - - - - He is one who has abused his parents. I have not seen him beat them. - - - - - - - . He married 3 wives before his present one. Two he has divorced. One he has not divorced. She is the widow of his deceased elder brother. He beat her and turned her out - - - - -. Kutti mammu has not sufficient property to maintain himself. He is luxurious and wears always handsome clothes and shoes."

29. The above extracts, it must be remembered contain only the opinions entertained by the near relatives of the prisoners. There is besides much other evidence of a still more hostile nature given by their neighbours. The above however is quite sufficient to prove that the accused are both men impatient of control, unprincipled, lazy and discontented and so likely persons to engage in such a conspiracy as is laid to their charge. Kutti mammu, the ringleader, is also shown to be a man of ungovernable temper, extravagant, reckless of what he may do and addicted to the use of violence.

30. (c) As is this probably the first occasion upon which the prisoners have

been

been associated together for such an object as that now attributed to them, for from the evidence it appears that only a year ago they were generally believed by their relatives and neighbours, by reason of a secret Moulatt ceremony performed by Moideen Kutti in his Kallam and other acts, to have entered into a conspiracy with a mahout, named Komu, who had been living for some time with Moideen Kutti and 4 or 5 young men from the west residing temporarily in that quarter for ginger cultivation, to go out and murder a parayan (low caste Hindoo) whom they suspected of having caused the death of Komu's wife by necromancy. In consequence Moideen Kutti and Kutti mammoo were compelled by their neighbours to take a solemn oath that they entertained no such design (Kutti mammu admits this) Moideen Kutti was taken away by his father from the Kallam and made to reside with him for 4 months, and Komu and the

other

others suspected were by threats and the refusal of employment forced to leave the neighbourhood.

31. (d) The fact that the defendants have now again in spite of their oaths been detected in endeavouring to form a fresh conspiracy is also the only explanation that appears to me at all reasonable of the fact that their own relatives and neighbours have denounced them to the authorities. As Moideen Kutti's father told me at Melatur with tears what else could he do but inform the Sircar in the interests of himself and his other children when he found his eldest son so obstinately determined to involve them in utter ruin. The same motive — self preservation — is also I think the sole one that has influenced the other informers; for that they are not respectable men, not one person examined has asserted and there are no grounds

whatever

whatever for thinking that they are actuated by personal malice to the accused, but rather the reverse. Had Moyinkutti and the others been their bitter personal enemies would they have been content with merely compelling the accused to take an oath on the former occasion? I trow not. Again what do we find when we compare the statements of the accused alleging enmity with the evidence on record. Moideen Kutti states that his father is displeased with him because he cannot work. It may be so, but that that fact has influenced him in this matter is clearly shown by his conduct not to be the case. When he came to Appatan Pattar to warn him the latter states that he was crying so that he could not understand what he said and Kozhicherry Moideen Kutti the father-in-law of the prisoner Moideen Kutti says of him, when taking his son to Appellant Putten to deliver him to the Police & on the way weavatan said he was taking his son to Cutcherry and wept bitterly. Again what motive for enmity has Maiden Kutti attributed to Mathan Moythutti and his relations the two weavanuttu? merely that Moythutti owes him 2 Rupees and when we turn to the evidence we find that the debt is freely admitted and all quarrelling about it denied; we also find his father saying there is no ill feeling between his son and these witnesses for if there were he would know of it.

Turning to Kutti mammu we find him also in great straits to discover motives for enmity in the case of Moythutti. The only one he could allege in [illegible] was that Moythutti had become his enemy because he had given up shaving a small motive in any case to induce a

a neighbour to perjure himself to injure another. What is the evidence? That Kutti mammu gave up shaving a year ago; but (according to his wife) has since on several occasions made an exception in favour of Moythutti; that by Kutti mammu giving up shaving little inconvenience has been caused to any one as his youngest brother lives in the same neighbourhood and has taken his place; and that Kutti mammu was a subscriber to a Kury (lottery) managed by Moythutti's wife up to within a very short time of the petition to the Tahsildar. This motive also fails altogether to explain the hostility of Maiden Kutti's father and the other informers who belong to Melatur.

Subsequently when it was hinted to him by me, he stated that his neighbours bore him ill will for having married a Moplah woman. That this however is not so, is shown by the fact that the woman's nearest relatives visit him and their evidence everywhere.

32. (c) The only direct evidence about it is that of the witnesses Moorkhan Mamuntti and Pookkuth Mamuntti (witnesses 7 & 8) the younger brother and brother in law of the informer Moythutti who have sworn that they were asked to join in an outbreak, the first by Mudin Kutti and the second by Kutti Mamunni. It is therefore important to examine their circumstances and evidence – when we do, we find that the first is 18 or 19 (according to himself only 17) and the second about 22 (he says 25) that the first lives in a separate house but in the same compound as Moythutti and that the second lives with Moythutti; that both are miserably poor – in fact dependent upon Moythutti for their maintenance; that

both

both are singularly deficient in intellect – especially Pookuth Mamuntti – and excessively ignorant. They are scarcely therefore the tools that a man would select to support a maliciously false accusation. On the other hand they are the very kind of men to whom more determined and designing men would turn for followers being peculiarly susceptible of persuasion in such circumstances that the promises of happiness held out by their religion to those who die in arms for the faith would possess special attractions for them and excite their religious fervour to the utmost and lastly most unlikely men to question the acts of their leaders or foresee dangers in the path.

Again it appears from the evidence that they were members of the formal Conspiracy. This is denied by the informer indeed as the price probably of their support, but it is sworn to by two of the witnesses Vakkayil Moitha (No 12) and Kattachirayil Chettiyanthodi Pokar (No 26) who do not appear to bear them personally any ill will. These two witnesses are also supported by the Inspector Ahamed Gurikkal Khan Bahadur who states that he compelled one of the main mutha— Paokutt Mammutti to take oath that he would not go out at the time summons reached him of the formal conspiracy. The Tahsildar supports this also and I think rightly from the great exertions made by Moythutti in both cases to frustrate the conspiracies. As a mere neighbour of the conspirators they argue he had only fine to fear but as the near relative of some of them he would have cause to apprehend the worst penalties of the act. If this be true and I believe it is, the man

would

would naturally be the very first the prisoners would ask to join them in their fresh enterprise. As to their evidence itself and the manner in which it was given I can only say that they seemed to me at the time to be speaking the truth and the other evidence since obtained confirms me in that belief. Both were extremely nervous when under examination so that had they lied I must, I think, have found it out. It was only questions implying an opinion that they had had a greater share in the matter than they themselves admitted that put them out. All questions not concerning their own intentions &c they replied to readily enough.

33. (b). As to the other witnesses I have only to remark that a perusal of the evidence tends to show that most of them — even where closely related to the accused — believe the accusations true. Not one on behalf of either of the accused

indignantly repudiates the charge— not even their wives. No one alleges that the charge can be shown to be false or point out any facts tending to that effect. On the contrary we find men like Moideen Kutti's father-in-law who is one of the very few whom that prisoner named as likely to speak on his behalf virtually admitting the truth of the charge and only excusing the prisoner upon the ground that he was led astray by Kutti Mammu. This, it seems to me, is one of the strongest facts against the accused and I concur entirely in the private remark of the police Inspector to me that the case must be true as it is their own relatives that bear witness against the accused. The previous conspiracy is spoken of by almost all as a matter admitting of no question and in not one instance do the witnesses

appear

appear to be biassed against the prisoners by reason of previous personal enmity. None also seriously assert that the informers or any of them were actuated in invoking the aid of the Sirkar by any feeling but that they were powerless otherwise to prevent the prisoners from going out and involving them all in ruin.

34. (g) Kutti Mammu's motive for selecting Appatara Pattar for attack first is obvious but that motive being a private one some more general cause would be necessary to induce others to join and this Appatara Pattar's previous history supplies. From his evidence he appears to have been born in Palghat of poor parents. Twenty six years ago upon his father's death, as his father had frequently visited that neighbourhood as a priest he removed to Walluvanad and was originally a trader in grain and clothes. Subsequently he gave up

trade and was appointed manager of the property of the Brahmin Samuham (congregation) in Melatur of which the annual income is 5,000 paras of paddy and the agent of first one and then several influential and wealthy landlords. By these means he acquired considerable wealth which he has invested in lands and now is a landlord himself of lands yielding 3000 paras of paddy and the holder upon mortgage of a similar amount from others. Though himself on excellent terms with his own moplah tenants and respectable neighbours hitherto such a man cannot but have become obnoxious to many amongst that community owing to his having been instrumental in ousting them from their lands &c. as the agent of the

Samuham

Samuham and others. Hence we find that he was one of those doomed to death in the riot of 1880, but escaped – a fact which alone would induce subsequent fanatics to regard him as a special mark and one Kutti Mammu would not fail to turn to account in trying to form a conspiracy against him.

35. (b) Kutti Mammu's conduct when he heard that he had been informed against was not only the conduct of a desperate and reckless man but also of a guilty one. This I think everyone will admit.

36 (c) The lame defence of the prisoners points to the same conclusion. They can allege no reasonable grounds for malice on the part of the informers nor did they readily cite witnesses who would speak in their favour. Indeed Moideen Kutti could cite none, Kutti Mammu cited four, but the evidence of the two who have been examined (Nos. 26 & 30) is so hostile

that the omission of the Tahsildar to examine the other two appears to be of little consequence. Their manner too, was much against them. Unni Kutti Mammu fenced with nearly every difficult question and first refused to answer several and then thinking I suppose that silence would be construed against him volunteered a reply. Moideen Kutti on the other hand was evidently engrossed in thinking what he ought to say and when he thought of anything would volunteer it then and there, however, irrelevant to the question put. Regarding their relation to one another they contradicted each other. As both are obviously men of more than ordinary cunning and intelligence these facts seem to me very prejudicial to the truth of their

statements

statements.

37. For all these reasons, I am convinced that the prisoners are guilty of having conspired together to murder Appatura Pattar and afterwards die as martyrs and of having endeavoured to induce others to join them in their scheme. If it be objected that past experience shows that in all previous cases the three things — a moulud (ceremony for the dead) the divorce of their wives by the conspirators, and the abandonment of their ordinary pursuits — have invariably preceded an outbreak, I submit that that objection will not apply in this case for the simple reason that no opportunity was allowed the prisoners of proceeding to that length. Had the band been made up and had not Moideen Kutti's father interfered and removed him from the scene, the first two requisites would doubtless have soon been complied with. The third

1 2 3

had virtually been done as far as the prisoners are concerned. In the former case which appears also to be true the Moulood ceremony had actually been performed Moideen Kutti assuming the functions of Moollah so that it would appear that that conspiracy was not like this brought to nought at the very outset but stopped only at the last moment.

38. As to the question of what should be done with the prisoners I confess that I am strongly in favour, if it be possible, of their prosecution before the Court of Sessions in the ordinary manner. At the same time, I doubt whether what they have done would be considered to come strictly within the provisions of the Criminal law. If it

does

does the offence is either conspiracy to murder punishable under section 115 of the Indian Penal Code, a conspiracy to wage war against the Queen (section 121A). The first of these offences requires for its fulfilment that some act or illegal omission shall have taken place in pursuance thereof and it is questionable whether all that can be alleged to have taken place in this case the invitation of others to join the conspiracy constitutes such an act. As to section 121A although no specified number of persons is necessary to constitute the offence, so that two might constitute it as well as a thousand, and although the 2nd object of this conspiracy to die in arms against the authorities might possibly come within the scope of the definition of the offence, the present case is hardly of such a grave character as to render such action as State prosecution for treason justifiable or advisable.

39. If however a prosecution in the ordinary Courts is not feasible recourse must necessarily be had to the Moplah Act XX

of 1859, for it would in my opinion, be in the highest degree dangerous to the public peace to allow men of the stamp of the prisoners to remain at large in this District any longer. If this be approved of, Kutti mammu who is much the most desperate and irreclaimable ruffian of the two, should I think be deported to some District where he will have no opportunities or encouragement for satisfying his late ambition of dying as a martyr. The term of his punishment also must be life, of course subject to modification if he should show decided signs of amendment. The second prisoner Moideen Kutti does not appear to be naturally so depraved or desperate a character as the first, and away from his influence may reform. In his case deportation may be to some neighbouring* District where he would have opportunities of occasionally receiving visits from his relatives and friends. After some

years

*Salem or Erode

years e.g. 10, in the case of good behaviour he might perhaps be even permitted to return home.

40. Chrialamanna Avaran Kutti, Ossan Mahmad, and Ossan Koyamoo. These three persons were originally under my orders arrested by the police but have since been held to bail. The first is the man who warned Kuttimammu of the arrival of the police and so enabled him to evade arrest. That he should escape scot-free appears to me not to be permitted, for the prisoner was, as he well knew, a desperate man charged with a grave offence against the State and his action might have led to deplorable results had Kutti mammu's arrest been attempted after he had armed himself. It is doubtful however whether section 225 of the Penal Code will apply to the case if Kutti mammu cannot be proceeded against for an offence under the penal code. If he cannot be proceeded against criminally I strongly recommend that he be deported for a term such as one or two years as a punishment. I would have proposed as an

alternative a heavy fine and his being bound over in a considerable sum to keep the peace but for the fact that he is too poor to pay a fine.

Ossan Mahmad (20th witness). He is the younger brother of the first prisoner Kutti-mammu who got the gun with which he absconded from his (Mahmad's) house. As there is no evidence to show how Kutti mammu came by the knowledge which he evidently possessed on the morning of the 15th March, that Mahmad had a gun in his possession, it is impossible to say that it was not at Kutti mammu's request that Mahmad procured it. He is, however, a mere youth (18) and upon this ground, I am inclined to think that he may with safety be given the benefit of the doubt and no further action against him taken.

Ossan Koyamas (15th witness) is Kutti mammu's brother-in-law with whom he resided several days while evading arrest. If Kutti mammu's offence were one under the Penal Code this man has undoubtedly committed an offence under Section 216 of that Code. I do not therefore think that he should be allowed to go without punishment if it be decided that Kutti mammu can only be proceeded against under Act XX of 1859. Whatever punishment may be meted out to Ossan Kutti the same should be awarded to this man. It is also to be noted that Koyamas was well aware that in concealing Kutti mammu he was committing an offence for he himself went into hiding for some time through fear of arrest after Kutti mammu surrendered himself.

41. Marakkar Mammutti and Paakoth Mammootti — Though these

witnesses appear to have been members of the previous Conspiracy and very probably in this case when asked to join consented with the intention of keeping their word and not, as they now say merely, to ascertain the plans of the prisoners. I do not recommend their being proceeded against in consideration of the support they have since given the Government. In any case it will be ample if they give security to keep the peace for 3 years or some such term.

42. No evidence implicating any others has been elicited — though thorough enquiry has been made through every possible

possible channel. Respecting the Moosaliar of Edapetta mosque, which both prisoners attended, especially I directed careful enquiry to be made as he belongs to the Pottayil family of which very many members have in the past been deported, but without any results. His elder brother was deported in connection with the outbreak in 1880, but he is himself reported to be a well-behaved man and is not known to have been even a friend of either of the prisoners.

1. Vakayil marakar
2 Vakayil moythu
3. Moorkan Moythutti
4. Chettiyanthodi Kunhi marakkar
5. Chettiyanthodi Alavi

43. Though the motives of the informers (their names are shown in the margin) was solely self-preservation and they probably entertain no aversion for either the prisoners or their nefarious design if indeed they do not in their heart of hearts sympathise with and applaud both them and their project some recognition might with advantage be accorded to their conduct, and in the case of the informers

Moorkan Moythutti, I would suggest that this should not be confined to laudation but take the form of a money reward — Rs100 or Rs200. No doubt he had more reason to apprehend evil consequences to himself if the outbreak had occurred than any of the others except the first, but that should hardly be allowed to outweigh the fact that it was mainly due to his exertions that the present conspiracy was nipped in the bud and if the evidence in this case is to be believed, that what must from the number of the conspirators (at least 8) have been a very serious outbreak indeed was averted last year when it had very nearly come to a head. A small money reward in this case might also prove extremely useful as a precedent, for, if it be known that rewards may be obtained thereby, the hope of winning one may possibly hereafter induce some lukewarm pauper conspirators and those who actually "go out" and their

friends are usually paupers — to become informer in preference to martyr.--

44. One more recommendation I have to make and that is that a police station is very necessary for the three amsams of Malatur, Vettathur and Kaniyavattam in Wallwanad Taluk. They are full of ignorant and fanatical mappillas and are too far away (8 miles) to be properly supervised from Angadipuram. In this opinion I know the District Superintendent fully concurs.

45. As I am aware that by some the man Moidin Kutti who made a murderous attack upon a Tiyan at Pandikād in October last and is now confined in the Calicut Lunatic Asylum was not supposed to have been insane at the time I have paid careful attention to the connection between the prisoners in this case and those suspected by Mr Tate in that. Beyond the admitted facts

however that the man who shot himself immediately after the Pandikad case and who was one of those suspected was the prisoner Moidin Kutti's younger brother and that Kutti Mammu immediately that he found himself in danger resorted for advice to Kalathil Kunholan — another suspect — nothing has been elicited. Though the prisoners reside only 5 or 6 miles from Pandikad it has not even been discovered that they and Moidin Kutti were acquainted. No one else has ever asserted that Moidin Kutti's younger brother was associated with him and Kutti Mammu in their former conspiracy of a year ago and every one who admits acquaintance with the subject states that Wakayil Ahmad's sole motive for committing suicide was disappointment because his father refused to send him to and maintain him at Ponnani to study for the priesthood. This is, I believe the same story as they told before, and so long as no evidence to the contrary

is

is obtainable must be accepted. Turning to Kalathil Kunholan we find that the Tahsildars both acquit him of all guilty knowledge and accept Kutti Mammu's own statement as true that he hurried off to him for advice solely on account of his reputation for cleverness and that he failed to achieve his end owing to Kunholan's absence at Malapuram. As there is no evidence to the contrary I cannot say that is not the case, yet I find it difficult to understand why Kutti Mammu who admits that he went to Ottathur for the sole purpose of consulting Kunholan remained there so long without at least endeavouring to communicate with him through others and why he came away when he did, with his object unaccomplished. Indeed but for Appatura Pattar's evidence instead of only surmising I should be nearly certain from its artfulness that Kunholan had a hand in the invention of the device which Kutti Mammu resorted to of going to Appatura Pattar before surrendering. In the words of the Tahsildars "The people of that region are convinced that no other exists so "versed in the four tricks (equals 'artful' I suppose) and so very clever as Kunholan" and as I have already stated his reputation has been considerably enhanced by Mr Tate's transfer which he boasts was brought about by him. If besides this reputation he should thereby acquire personal influence I feel bound to state here that I am of opinion that he cannot be trusted to make a good use of it. The influence of such a character must also be almost entirely confined to the dangerous classes, the criminal and dishonest; I do not for a moment think that he will himself ever head an outbreak, for he has never hitherto shown himself personally inclined to crimes of violence. On the contrary he has, I believe, confined himself to such crimes as "forgery" "perjury" "fabrication of evidence" and "malicious prosecutions" &c. which allow scope for cunning and underhand

dealing. At the same time he is utterly unscrupulous and one of his latest exploits shows that he will not hesitate to incite others to do what he dare not do himself in the hope of destroying an enemy. With the details of the case I am not acquainted, but I know that he was convicted by the Joint Magistrate 8 or 9 months ago of having brought a false charge against a Nambudri who was his enemy of desecrating a mappilla burial ground and of fabricating false evidence to support it. He has thus shown himself capable not only of deliberately trying to excite the religious animosity of the mappilla community against his private enemy, but of having recourse to fabrication and deceit to attain this end. This it is, that makes the resort to him of such scoundrels as Kutti Mammu create grave misgivings in my mind respecting the extent of his relations with them. If his acts in the case of the Nambudri do not injou opinion call for proceedings against him under the Act, he must at any rate be carefully watched in future.—

46 In concluding this long and, I fear, very tedious report, I have to express my regret at the delay in its submission, but I was prevented by an attack of fever from taking the matter up during the Easter Holidays as I had intended and since that date, I have in consequence of the Wallwanád Jámabandi, the preparation and submission of the Municipal and other annual reports and the press of current work, been only able to write it piece-meal.

47. A diary showing my proceedings in the case and a list of the records herewith forwarded

forwarded, is enclosed.—

I have &c.
Sd/ E. A. Brodie
Ag. Head Asstt: Magistrate.

(True copy)

Ag: District Magistrate

I

Enclosure to letter No. 2611 of 6th June 1884 from the District Magistrate of Malabar to the Chief Secretary to Government

CHIEF SECRETARY
10 JUN 84
GOVERNMENT OF MADRAS

In the Court of the Joint Magistrate of Malabar
Present H. T. Ross Esq.
Calendar No. 20 of 1883.

Complainant. Regina Indiæ Imperatrix

Defendant. Kalathil Kunholan

Offence and law. False charge with intent to injure and fabricating false evidence. Sections 211 & 193 I. P. Code.

Finding of the Magistrate. – Convicted under Sections 211 & 193 I. P. Code.

Sentence or order. Simple imprisonment for one day and a fine of Rs. 500 (five hundred) or six months' simple imprisonment in default of payment.

Judgment.

In Kottallur Amsam, Walluvanad Taluk, there is a field known as "Kollaparamba" which is intersected by the public road leading from Melatur to Manarghat, the north portion being fit for cultivation and the south portion being a waste tract containing a few Mappilla graves. On the 23rd August 1882, the accused Kunholan stating himself to be the Janmi of this "Kollaparamba" filed a complaint before the As. Special Assistant Magistrate, Mr Tate (1st witness) charging the 2nd witness Mittam Kesava Nambudri and 8 others with having on the 13th August trespassed on the paramba, ploughed it both north and south of the road, demolished a masonry-cover in which a sacred lamp was burned, broken the flagstaff and desecrated the graveyard; and thus with having committed offences under sections 447 and 297 I. P. Code. Mr Tate took up the case as Calendar No 54 of 1882 on his file, had the place inspected and reported upon by the Walluvanad Sheristadar Magistrate (5th witness) took the prosecution evidence and again inspected the paramba himself. At this inspection, Kunholan admits that to show Mr Tate that the graveyard had been desecrated he pointed out a grave from which he alleged that the head and foot stones had been torn up by the Nambudri and his followers and he had these stones brought from a place of his own and shown to Mr Tate. Kunholan also admits that he

showed Mr Tate a broken piece of wood which he alleged to be part of the flagstaff wrecked by the Nambudri and his men, and also a heap of stones which he stated to be the remains of the masonry lamp-cover demolished on the same occasion. Mr Tate in discharging the Nambudri and the others without taking defence evidence, expressed his opinion that Kunholan's complaint was false and that the evidence to prove desecration of the burial ground was fabricated: and in his proceedings dated 20 January 1883 marked B he (Mr Tate) sanctioned the prosecution of Kunholan under sections 211 & 193 I. P. Code. The complaint made in pursuance of that sanction was transferred to this Court by the District Magistrate in his Proceedings dated 28th April 1883.

The evidence which Kunholan sought to establish in proof of his complaint of trespass and desecration was admittedly that the Nambudri and 8 others (1) ploughed the "Kollaparamba" (2) tore up the head and foot stones of a Moplah grave therein (3) broke the flagstaff and (4) demolished the masonry cover in which the lamp was usually burned. The case for the prosecution is that no trespass or desecration could have been committed because these alleged evidences of the offences did not exist: and further that Kunholan in order to induce Mr Tate erroneously to form an opinion that the head and foot stones of one of the graves had been torn up by the Nambudri's party and that they had broken the flagstaff, fabricated false evidence by producing two stones and a piece of wood and alleging that these were grave stones and part of the flagstaff in question, when in reality they were nothing of the kind.

Mr Tate (1st witness) proves that when he inspected "Kollaparamba" in the presence of both parties, he found that the few graves which exist on the southern portion were marked in the ordinary way with laterite blocks except in the case of one grave which Kunholan stated to him to be that of a Tangal (Moplah priest). At each end of this grave there was a hole whence the head and foot stones had

been

been removed. Kunholan then alleged that these stones had been torn up by the Nambudiri and his party and thrown down close to the grave, and that he had had them taken to his own house for safe custody, whence he had them brought for Mr Tate's inspection. These two stones have been produced in Court. They are carved circular granite stones with stalks to be fixed in the ground and one of them bears the inscription "Chemila puravan K—" (last two signs illegible). Mr Tate found that there were no other granite stones in the grave yard: that no matter how he tried the stones they would not fit the holes at each end of the grave: and that the soil clinging to the stalks of the stones was essentially different from that of the holes at the ends of the grave from which they were alleged to have been removed. Mr Tate proves that a piece of wood about 8 or 10 feet long was pointed out to him by Kunholan as a piece of the flagstaff broken by the

Nambudri and his party and a heap of laterite stones was shown to him as the remains of the masonry lamp cover demolished on the same occasion. Mr Tate is of opinion that from the shape of the piece of wood, it could not have been part of a flagstaff and that from the absence of any appearance of the laterite stones having been built together in any way, they could not have formed a recently demolished masonry lamp cover. Mr Tate adds that the northern portion of "Kollaparamba" did not appear to him to have been recently ploughed.

The Sheristadar magistrate (5th witness) who inspected the "Kollaparamba" in September 1852 under Mr Tate's orders with reference to Kunholan's complaint against the Nambudri and others proves that all the graves on the south portion had head and foot stones of common laterite: that no grave was then to be

seen marked with such granite stones as those produced in Court, that no grave was found to have had its head and foot stones removed, and no complaint was then made by Kunholan that any such stones had been removed: that no such piece of wood as that shown subsequently to Mr Tate as the broken flagstaff, or any other piece of wood, was pointed out to him as part of the broken flagstaff and that the confused heap of laterite stones alleged to be the remains of the masonry lamp cover bore no signs of having been built up or recently demolished.

The Amsam Adhikari (3rd witness) who lives only 1/4 mile from the Kollaparamba" and is familiar with it, deposes that he was present at Mr Tate's inspection and saw the two granite stones produced by Kunholan: that no such stones ever existed in the graveyard: that there never was a flagstaff of the wood shown to Mr Tate and that he never saw the heap of laterite stones in the form of a masonry lamp cover.

The acting Menon (4th witness) who lives ½ mile from "Kollaparamba" and knows it well corroborates the Adhikári.

Kesava Nambudri himself (2d witness) of course confirms the evidence on the material points. He states that the "Kolla-paramba" was from time immemorial the janmam of his Illam, that he is now in possession of it and that he has leased the northern portion of it to certain tenants (whom he names) for gingelly and modan cultivation: that these tenants had sown gingelly accordingly in August some 8 or 10 days before the alleged trespass and that it is totally false, that he or the 8 persons accused along with him by Kunholan (who were his tenants, his servants and one or two strangers) ever trespassed on the paramba or desecrated the graveyard. —

The Adhikári and acting Menon (3d & 4th witnesses) depose to the "Kollaparamba" being in Kesava Nambudri's possession. The Ag: Menon having stated that the accounts showed that the Nambudri and his men had been paying the assessment on gingelly cultivation in this paramba, the permanent Menon (6th Defence witness) was

called

called by Kunholan to produce the accounts. A single entry is shown of such payment by the Nambudri in Fasli 1290; but as the Menon states that there are 2 or 3 "Kolla-parambas" in the Amsam, neither this entry nor, on the other hand, a receipt produced by 1st defence witness Attan-kutty (marked H and dated September 1877) for payment of assessment on modan cultivation can be accepted as proof that the "Kollaparamba" therein mentioned is the very field now in dispute. The permanent Menon (6th defence witness) however corroborates the other two Amsam officers in stating that the "Kolla-paramba" is in Kesava Nambudri's possession. There is abundant evidence to show that the graves in the southern portion of the paramba are popularly reputed to be those of Moplah insurgents who were shot and buried where they fell. This fact is corroborated by the admission that at a distance of only about 1½ mile from the unconsecrated piece of waste land is an ancient mosque and consecrated burial ground, called "Kapeel Palle." No Moplahs would bury their dead in a place like "Kollaparamba" with a place ~~like~~ like "Kapeel Palle" near at hand.

The Nambudri states that one of the defence witnesses Attankutti's relations, who was an insurgent, is reputed to be buried in Kollaparamba; and the Proceedings of the Special Assistant Magistrate dated 13 July 1880 filed with (D) show that when Kunholan and a large number of Moplahs assembled at "Kollaparamba" to perform ceremonies for the deceased rebels in 1880, the Nambudri objected as Janmi of the Paramba and the Moplahs desisted at his word, though superior in numbers. It is explained that the Nambudri objected, because he was afraid of incurring the displeasure of Government if he permitted the performance on his land of ceremonies calculated to stir up and keep alive the fanatical enthusiasm of the Moplahs, which has given so much trouble in Malabar. Kunholan and some of his witnesses allege that they went on with their ceremonies notwithstanding the Nambudri's objection; but I take the Special Assistant Magistrate's Proceedings of September 1880 as proof of the fact that they did desist at the Nambudri's word, and that they would not have done so unless the Nambudri were the Janmi or in possession of the paramba.

There is thus the evidence of the Special Asstt. Magistrate, the Sheristadar Magistrate, the Amsam Adhikari and the Acting Menon to corroborate the Nambudri's case that no trespass occurred and that false evidence was fabricated to prove desecration of the burial ground. The defendant Kunholan has sought to impeach the evidence of these witnesses in different ways. When

Mr Tate

Mr Tate inspected "Kollaparamba," some 3 months had elapsed since the alleged trespass. Kunholan now seeks to make out that he had kept the two granite stones lying all that time in a paramba exposed to the monsoon and that this accounts for the change in the color and appearance of the mud clinging to the stalks of the stones. This is a new story set up at the present trial. Mr Tate clearly proves that Kunholan's explanation at the time of his inspection was that the bases of the stones had been washed to see if they were inscribed with any verses of the Koran; that Kunholan had the stones brought from his house and that no mention was made of their having been left lying in a paramba. Some of the defence witnesses state that the Sheristadar Magistrate (5th witness) did not inspect the grave yard carefully; but I do not attach any weight to such statements. The graveyard is on the roadside and contains but a few graves, and the results of the Sheristadar Magistrate's inspection were recorded in his official reports (D) dated 20th September 1882. I think the evidence of Mr Tate and the Sheristadar Magistrate unimpeachable. Then the Adigari Ooman (3rd witness) is shown to be involved in Civil Suits with Kunholan, but he is a Moplah and I cannot help thinking that if it were true that such desecration as that alleged had been committed against the religious feelings of the Moplahs of Vettattur any private animosity of the Adigari's towards Kunholan would have been merged in the insults offered to their common religion. This Adigari too was summoned by the Court and not on

the

the application of the Nambudri, and he is a different Adigari from the one referred to by Mr Tate in Cal. No 54 of 82 and then suspended for his undue bias in favour of the Nambudri. The Menon Oomni Nayar (4th witness) is also a different Menon from that examined by Mr Tate. He (4th witness) like the 3rd witness was summoned by this Court and his evidence is not impeached, he in fact being at enmity with the suspended Adigari who was the Nambudri's great partisan.

With this array of independent official evidence I deemed it unnecessary to examine the 8 other persons who had been accused along with the Nambudri or certain other witnesses who were cited to prove that the southern part of the "Kallaparamba" was ploughed here and there by Kunholan himself to make up his case, and that the two granite stones were taken from the "Kāpal palli" graveyard before-mentioned. It was sufficient to show that the Nambudri and his men, did not plough the "Kallaparamba" and that the two granite stones could not possibly have belonged to the graveyard from which Kunhalen alleged them to have been removed. The prosecution was ready to dispense with the above witnesses and it was not argued as a point for not framing the charge against Kunhalen that such evidence was not taken. It was in fact superfluous after the official evidence recorded.

Kunhalen's defence is that his complaint against the Nambudri was true and that the evidence offered to prove the trespass and desecration was founded in fact. He examined five Moplahs to substantiate this defence.

The

The 1st defence witness Attan Kutti is admittedly Kunhalen's agent and manager and his fast friend. In fact it was he who is alleged to have first informed Kunhalen of the trespass by letter (I). He alleges that the two granite stones always did exist in the "Kollaparamba" graveyard that ceremonies have always been performed there and that the burial ground is common property of the Moplahs. He denied in this Court that such ceremonies had been stopped since the Nambudri objected to them in 1880 and alleged that they had been going on regularly until the recent trespass. When asked why before the 2nd class magistrate he deposed that no ceremonies had taken place since the Nambudri objected in 1880, his explanation was that he did not remember having made such a statement.

The 2nd defence witness Oomathen states that he went to "Kallaparamba in consequence of what Attankutti told him and saw the wreck of the Nambudri's work. He went there after the 1st defence witness Attankutti had left the place and says he saw only one Moplah there viz. the 4th defence witness. He admits that he has been evicted from 6 items of land by the Nilambur Rajah, whose Karyastan the Nambudri is.

The 3rd defence witness Hamed Kutti says he was present and saw the whole proceedings in the desecration of the graveyard. He states that he only saw one Moplah there a man named Mammu who has not been examined

The 4th defence witness Abdul Cawder styling himself a Thangal or Priest, is a physician and a beggar. He states that he went to "Kollaparamba" on hearing of the trespass from his servant and found

the

the wreck committed by the Nambudri's party. He says that the only Moplah he saw there was the 2nd defence witness. The grave from which the 2 granite stones are alleged to have been removed is stated by this witness to be that of an ancestor of his, named "Abdul Rahiman" but he cannot explain how the name inscribed on one of the 2 stones is "Chemmilapuravan" K. This witness is a worthless man whom I do not credit in the least.

The 5th defence witness Oonian is one of the men who fetched the two stones for Mr Tate's inspection under Kunholan's orders. He says he saw the Nambudri and his party at work ploughing up the "Kollaparamba" but he saw no other Moplahs there at all.

Thus the defence evidence is that a party of Hindus deliberately desecrated a Moplah graveyard where ceremonies have all along been regularly performed for the dead. Surely such acts, if done, would at once have aroused the religious opposition of the Moplahs with whom the Vettattum Amsam is crowded. Yet the defence witnesses would have us believe that though ~~the~~ desecration was seen by them (curiously each found not more than one other Moplah there) no crowd collected and no opposition was offered.

Then supposing the Nambudri was not in possession of the Kollaparamba, what could be his motive, as a Hindu, in trying to get a Moplah graveyard which could be no use to him. But supposing the Nambudri to be in possession of the place (as I think he undoubtedly is) there is a natural enough motive for a Moplah like Kunholan seeking to get it by the ordinary Malabar device of a Criminal Complaint of trespass.

On

On the whole then, I have no doubt whatever in my mind that Kunholan's Complaint against the Nambudri was a false charge and that the production of the granite stones and the broken piece of wood before Mr: Tate was a fabrication to establish that false charge; and I have therefore no hesitation in convicting the defendant accordingly.

In fixing the punishment it must be remembered that Kunholan is an influential Moplah ~~with~~ an ignorant following in the heart of the country where Moplah outrages have previously occurred. There can be no doubt that the working up of such a false charge as the present one is calculated to arouse those fanatical feelings which happily have now been at rest for some time. and I conceive it to be my duty not to pass lightly over an attempt such as this to get possession of a place for the performance of celebrations in honour of deceased rebels against the British Government.

I find that the accused Kalattil Kunholen is guilty of (1) having on the 2nd August 1882 falsely charged Mittam Kesavan Nambudri with offences punishable under Sections 447 and 297 I. P. Code by complaining to the acting Special Assistant Magistrate that the said Nambudri had trespassed on and desecrated a Moplah grave yard known as "Kallaparambu" in Vettattur amsom and (2) having in the course of the judicial proceedings of the Acting Special Assistant Magistrate on the above said complaint fabricated false evidence that 2 grave stones had been removed and a flagstaff broken by the said Nambudri and others and that the accused Kunholen has thereby Committed

Committed offences punishable under Sections 211 and 193 I. P. Code and within my Cognizance; and I hereby direct that the said Kalattil Kunholen undergo simple imprisonment for one day and be fined Rs 500 (five hundred) or undergo six months' simple imprisonment in default of payment of the fine.

Signed) H. J. Ross.
Ag. Joint Magistrate.

Tellicherry.
20-6-83

(True copy)

Ag. District Magte.

Enclosure No. 2. to letter
No. 2611 from the Ag District
Magistrate of Malabar
to the Chief Secretary
to Government dated
6th June 1884.

Date of

Presentation	Filing	Hearing	Order
25 July 03	25 July 03	20th Novr 03	20 Jany 04

Court of Session of South Malabar
Case No. 20 of 1883 on the file
of the Joint Magistrate of Malabar
Criminal appeal No. 34 of 03.

Name & description
of appellant — Kalathil Kunholan

Sentence and law — Simple imprisonment
for one day and a fine of Rs 500 or
6 months simple imprisonment in default of
payment of fine under Secs 211 and 193 I.P.C
How disposed of — Conviction & sentence confirmed

Judgment.

The appellant Kalathil Kunholan was found guilty by the Joint Magistrate Mr Ross of (1) having on the 23rd August 82 falsely charged one Mittani Kesava Nambudri with offences punishable under Secs 447 and 297 I.P.C and (2) having in the course of the judicial proceeding held by the Special Assistant Magte: on the above complaint fabricated false evidence and was sentenced to one day's simple imprisonment and to a fine of Rs 500.

I have carefully perused the whole of the records, seen the stones which Kunjolan produced before Mr. Tate — asserting that they had been removed from the head and foot of a grave in Kollaparamba and have heard the lengthy arguments of the appellant's vakil, but I can see no grounds for interfering with the finding and sentence of the appellate court.

The facts of the case are so fully set out and the evidence is so amply commented on in the able judgment of the joint magistrate that I have very little to add thereto.

The first complaint presented by Kunjolan is dated 23d August 82. It is marked Exhibit E. It is worthy of note that in this complaint not only word is said about the removal of the grave stones by the Nambudri-

The accused persons were said to "have cut off Nuchi and other shrubs "marking the old graves of moplahs, "to have pulled down the stone work "for lighting lamps, to have broken "and spoiled the lamp cover and flagstaff and to have ploughed the graveyard".

2. Exhibit I is the letter purporting to have been written to appellant by his servant Athan Kutti informing him (appellant was absent in Calicut) of the trespass. Therein the removal of the jungle is referred to but not a word is said about the removal of any grave-stones. This purports to have been written two days after the trespass.

On the 2d September appellant presented a second petition to the Asst. Magte (Exhibit F) asking him to try the case himself. The offence alleged to have been committed were again set forth but no mention was made of the removal of grave-stones.

On the 20 September in pursuance of the order of the Spl. Asst. Magte: the Sherastadar Magistrate (3d witness) inspected the spot. He reported — (Exhibit D) that some of the Mulli shrubs on the southern part of the paramba, where corpses are said to have been buried had been cut off that some of the stones had been taken out of the stone work, and some had been broken and spoiled and that the place had been ploughed here and there. He found no trace of the flag-staff said to have been broken.

Not until Mr. Tate's inspection 3 months after the date of the alleged offence were the grave stones

mentioned by the appellant. Now the production of these stones or the mention of their removal in the original complaint would have been a strong point in favour of the truth of the charge and I cannot think that the appellant would have omitted all reference to them had the facts been as he subsequently represented.

The question as to the possession of the paramba was one of minor importance in the case. It was for appellant to prove that the graves had been as he asserted desecrated by the Namburi and his followers. In support of his complaint he adduced no satisfactory evidence and the evidence for the prosecution amply proves the utter groundlessness of the charge.

There is as stated in the appeal

mans: no foundation for the opinion of the joint Magistrate that the graves in the paramba are those of moplah insurgents. Mr. Tate in his judgment in Calendar case No. 54 of 82 says— "I have been unable to ascertain "after careful enquiry into the Walluva "nad Taluk and Collector's records who "the individuals were who have been "buried here" and adds that the story is founded on rumour. But this will not help the appellant.

The punishment awarded is not in my opinion excessive and I dismiss the appeal.

Sd. Frank Wilkinson
Sessions Judge.

(True Copy)

a/Dt. Magte.

nm.

Enclosure No 3. to letter
No 2611 dated 6th June
1884 from the Ag District
Magistrate of Malabar
to the Chief Secretary
to Government

In Judl 3/2251/84

From,

The Dt. Magistrate

of Malabar

To,

The Chief Secretary

to Government

Jud^l Department

Ootacamund

11/6/81.

Enclosures to letter No. [illegible]

dated 9 June 1881 from the

Dt Magistrate

/ 1030 [illegible]

Confl

Judicial Department.

No 2253

From

The District Magistrate
Malabar

To

The Chief Secretary
to Government
Ootacamund

Dated 6th June 1884
Recd. 11 —

CHIEF SECRETARY
10 JUN 84
GOVERNMENT OF MADRAS

Submits Mr. Brodie's detailed report on the results of the enquiry into the charge of conspiracy to murder one Appatura Pattar of Malatur amsam in Walluvanad Taluk.

Judicial Department

From. District Magistrate – Malabar
d. 6th June. 1884

For orders

Mr Galton forwards for information and orders a report from Mr Brodie, the Ag. H. Asst. Mag. Palghat, on an alleged conspiracy between two Moplahs, to murder a Brahmin landholder. Apatur Pattar =

1. Kutti Mammu
2. Vallikayil Moideen Kutti

"Apatur Pattar is an East Coast "or, as sometimes called, a Palghat "Brahmin, but he has been living "in Melatur for the past twenty three "years." He was the subject of a conspiracy in 1880, after the discovery of which seven Moplahs were deported from Malabar under Act XX. of 1859 =

Vide Mr. MacWatters letter in G.O. 19th Oct 1880 No. 2500 para. 12.

It appears that (1) Kutti Mammu held certain lands from (1) Apatur Pattar and (2) Puthangodan Moideen Kutti — lately he had fallen into arrears of rent [illegible]

Apatur Puttur had continually warned him to pay his rent or he would evict him—

On the 3rd March last Apatur Puttur left his house and went to Calicut on business for some days.

— On the 5th March – one Moorkan Mammutti met Valkayil Moideen Kutti (2nd deft.) a close associate of Kutti Mammu. – Moideen Kutti told Moorkan Mammutti that he and Kutti Mammu. intended breaking out and asked him to join. Moorkan Mammutti consented – Next day Valkayil Moideen Kutti told the same story to Pookooth Mammutti* adding that Apatur Puttur was to be the object of the attack. Pookooth Mammutti told this to his brother in law Moyin Kutti who went to Apatur Puttur's house to warn him. It also appears that [illegible]akayil Moyin Kutti who had [illegible]lso been informed of what was to [illegible] the place, on a pretext managed [illegible]

7th witness

? Kutti Mammu

8th witness

— A reward is suggested for Mammu [illegible]

from the outhouse where he lived & to place him in his father in law's house where they left him, with instructions that he was not to be allowed outside the house —

Nothing further was then done until Apatur Puttur's return from Calicut.

It appears that on the 8th March Kutti Mammu (1st deft.) went to Puthangoden Moideen his landlord and had a dispute about his rent at which interview he told his landlord that he had no further need for any land — a remark indicative of his intention according to Mr Brodie —

On the 9th March Apatur Puttur returned – when he was told by Puthangoden Moideen that his life was sought so he took necessary precautions —

On Monday 10th March Puthangoden Moideen Kutti went to his uncle Gurikkal Khan Bahadur the Police inspector who told him that he and the others should make [illegible] in [illegible] history [illegible]

On Tuesday 11th March accordingly 2nd. 3 - 4 & 5th. witnesses went to Mazeri the Tahsildar's station and on Thursday after the arrival there of Vallkayil Marakkar - (the 2nd deft's father) got a petition written about the matter which was presented to the Tahsildar on the Friday.

Vallkayil Moideen
Mookan Moya Kutti
Chettyan Kodi Kumbi Marakke
— Alivi.

Then with police the petitioners marched to Apater Putter's house and next day Saturday, with a view to arrest Kutti mammu (1st deft) went to the top of a hill near his house. They then saw Kutti mammu - who had been informed that the Police were after him — go into his house with a gun which he brought out again after a few minutes, and disappeared into the jungle — The Police went back to Apater Putter's house where Moideen Kutti (2nd deft) who had been arrested by his relations - i.e. father father in law and uncle — was handed over to them —

On the same day Apater Putter sent for one Avoola cousin of Kutti mammu and told him to get Kutti mammu to give himself up.

On the following Wednesday Kutti mammu came in and gave himself up.

It appears that one Ooratinam *Avaram Kutti warned Kutti Mammu that the police were in search of him. Kutti mammu then on Saturday went to his younger brother's house & got a gun from him which he took back to his house loaded & went off into the jungle, that night he went to try and consult one Kalakil Kumbolan — a Moplah of some wealth - who has persuaded people he was the cause of Mr Tate's removal from Malabar. He could not be found so on Wednesday Kutti mammu went to his cousin Avoola who persuaded him to give himself up.

he denies it. But Kutti Mammu asserts it and he was undoubtedly warned by somebody.

This is in brief the history of the

Mr Galton and Mr Brodie and
the relieved Major Hole all believe
the evidence in the main.

In Mr Brodie's report pp. 33 &
34. will be found his reasons for
believing the alleged facts.

The former experience of these
Enquiries leads one to concur with
Mr McWatters' remark that it is
absolutely impossible to procure
satisfactory particulars on any
point connected with Moplah rising.
These points however we have.

G.O. 2500.
19th Oct 80.

1. Prisoners are friends &
neighbours.

2. Former character of Prisoners
unfavourable.
vide Moideen's Kutti Father's evidence
Kunhi's evidence
Kutti Mammu a passionate
reckless & unprincipled man

vide pp. 36. 37.
Mr Brodie's Report.

3. These prisoners had once before
been engaged in a similar enterprise.

vide pp. 40. 41.

4. The informers are respectable and
in the case of 4 relatives of second accused.
Moideen's own father speaks badly
of him.

to

5. The direct evidence of the two men
who were asked to join the conspiracy.

6. The other witnesses relations and
men with no cause for enmity against
the defendants speak nothing good of
them or anything in their defence.

7. The defendants would naturally
attack Apalin Pattar first.

8. Kutti Mammu's (1st def.) conduct
when he heard of charge against him
was that of a guilty man.

9. The prisoners can give no defence
or account for their conduct.

As to the absence of the usual
ceremonies which take place before
onslaughts of this sort are made
Mr Brodie thinks they would have
taken place if time had been
allowed.

i.e. divorce
& Moilate.

pp. 55.

As to what should be done with
the persons concerned Mr Brodie
is in favour of a Criminal
prosecution of the two chief men,
but Mr Galton is against it —
there can be little doubt that

Para 12

It must fail no illegal act or omission
having occurred to further
the conspi

The proposals made if prosecution is not undertaken are as follows.

3 Kutti Mammu. deported for life to some other district —

Moideen Kutti. deportation for 10 years to return if conduct good. [illegible]

Chiratamana Avaran Kutti [who warned 1st deft of arrival of police] deportation for 2 years.

Ossan Koyammo (barber) 1st defts' brother in law. he hid 1st deft from time he left the house on Saturday to Wednesday

2 years deportation

Moorkan Mammutti } who
Pookooti Mamootti }

promised to join the conspiracy. to be bound over to keep the peace.

Mr Brodie would reward the informer. Moorkan Moyathutti with Rs 200.

Concurred in by Mr Galton

Do Do

Do Do

There is a third Ossan Mahmud 1st deft's younger brother who has the same name. Mr Brodie believes him innocent & Mr Galton concurs.

Mr Galton concurs

Do Do

Do & Do

Mr Brodie points out necessity for a Police station for the 3 amshams

of { Melattur
Vellattur
Karyavattam

This proposal will of course be referred to the G. G.—

Mr Brodie is not of opinion that there is any connection between this case and the case Mr Tate dealt with last Xmas.

The only thing was the arrest of Kutti Mammu to Kambolam who was suspected by Mr Tate, but this arose probably from the name Kambolam has in this part of the work as a clever litigious fellow.

Suggested that Mr Galton's proposals be sanctioned & the manner in which Mr Brodie's enquiry was conducted approved. In this case warrants will be drawn up in the usual way.

JW 2/10

This is an excellent report of Mr Brodie's. The enquiry seems to have been conducted well & thoroughly.

JW

The deportation of the chief culprits shd be carried out as proposed. Kutti Mammu might be sent to Rajahmundry Central Jail. V. Moideen Kutti to Salem (as suggested by Mr Brodie) The suggested terms of their banishment will, of course, not be entered in the warrants.

Security for keeping the peace for one year shd as proposed by Mr Galton be taken from Moorkan Mammutti & Pookooti Mamootti.

A reward valued at Rs 200 to be given in such shape as may be most acceptable shd be bestowed on Moorkan Moyathutti.

Of the remaining three persons regarding whom recommendations are made

Ossan Mahmud who has been re-arrested shd be released unconditionally.

As to C. Avaran Kutti & Ossan Koyammu also under arrest & [illegible] for deportation for a period of two years Mr Galton seems doubtful whether they have committed any act which wd bring them within the provisions of the Moplah Act XX of 1859. It will be sufficient perhaps to release them with a warning –

The Police Station recommended shd at once be established.

It is satisfactory to find that the instinct of self preservation has induced the relatives and friends of the accused in this case to denounce them

C.M.
21/6

On this point the Hon. Mr Sullivan will be better able to advise – It may be that the conduct of these persons amounts to encouragement (sec 3 of Act ~~XX~~ of 1859)

Submitted in Council 25/6/8

That a draft order be prepared on the lines of note by Hon Mr [illegible]

E. Fw.
25/6/84

I concur but take to Council for final consideration of Orders

E

Moplah Outbreak

Jud^l Po. Nos 1605-1611 Conf^l
2-7-84

The Hon C G Master
& Circ

Confidential

78 18

Judicial Department

R No 1627
5253

PROCEEDINGS OF THE MADRAS GOVERNMENT

READ the following :-

Letters from the District Magistrate, Malabar, dated 7th April and 6th June 1884, Nos 1672 and 2611.

Order. 2 July / 84 No 1605 (C)

His Excellency the Governor in Council has read with interest the excellent report of Mr Brodie on the Mappilla conspiracy to commit murder, the enquiry into which has been conducted well and thoroughly.

2 The proposals submitted by the District Magistrate for the punishment of those implicated in the case are generally

approved and His Excellency in Council accordingly resolves (1) that the two ringleaders, Kutti Mammu and Vakkayil Moidin Kutti, be deported for life, but in the case of the latter an expectation ~~might~~ will be held out to him of permission to return to his native place after a lapse of some years provided his conduct continues to be good; (2) that Moorkan Mammutti and Pookooth Mammutti be required to furnish security for keeping the peace for the space of one year;

(3) that

(3) that Ossan Mahmad be released unconditionally, and Cheratamanna Avaran Kutti and Ossan Koyamu with a warning; (4) that a reward ~~of~~ valued at Rs 200 be given to Moorkan Moythutti in such shape as may be most acceptable to him in recognition of the service rendered by him in disclosing the plot.

3 The necessary State warrants will be issued direct to the Superintendents of the Central Jails at Rajahmundry and Salem for the detention

of the ringleaders in these jails, and the District Magistrate will send ~~the~~ ~~men~~ Kuttu Mammu under proper escort to the Commissioner of Police, at Madras, who will be directed to arrange for ~~their~~ his despatch to ~~their~~ his destination. ~~respective destinations~~

& He will forward the Moplah Vakkayil Moideen Kutti direct to the Superintendent Central Jail Salem.

4 The Police Station recommended by the District Magistrate in para. 14 of his second letter ~~will be~~ should be established at once. The Inspector General of Police will issue the necessary orders for giving effect to this, submitting a report on what he has done in the matter.

30/vi

FW 1/7

To

the District Magistrate, Malabar, with depositions etc.

Inspector General of Police

Inspector General of Jails

Accountant General

Complete copies sent to the [illegible] 30/7

27/6/84

Mappilla Conspiracy
Malabar

(From orders)
in Council

E

For abstract see the [illegible]
[illegible]

Dls
JW

81

Judicial

No 1606
D 2 July/84

To
The Superintendent of the
Central Jail, Rajahmundry
dated Ootacamund 1884,
No. _

Sir,

I am directed by the Governor in Council to forward to you direct a warrant for the detention in your custody as State prisoner of Mappilla Kutti Mammu, who was implicated in a conspiracy to commit murder ~~recen~~ recently in Malabar, and who will be sent to Rajahmundry for imprisonment in the jail under your superintendence.

Your

You will receive him according to the warrant herewith sent and will detain him as a State prisoner under Regulation II of 1819.

3. You will not bject him to any eedless rigour, but ll adopt the most areful precautions gainst escape or attempt to escape. You will treat him in all respects as State prisoners under Regulation II of 1819 are usually treated, and will not put him to labor or place him in irons unless he is refractory or attempts to escape.

4. You will furnish the periodical report on the man required by Section 3 of Regulation II of 1819, to Government regularly through the Inspector General of Jails.

Chief Secretary

No 1307

Similar letter to go to the Supt, Central Jail, Salem, with prisoner Vakkayil Moidin Kutti name entered.

[illegible]

Chief Secretary

Letter to Mappilla [illegible]
[illegible]

From orders

Hutton CG Madras

Note
Not sent again under instructions from [illegible]

1P
1-7 84

83

Judicial

83

~~No 1608~~

Warrant.

To The Supt. of the Central
Jail, Rajahmundry,
dated Ootacamund 2 July
No: 1608.

Whereas the
Governor in C
for good and
reasons, has
fit to determine
Mappilla Kutti
Mammu shall be
placed under pers
restraint at the C
Jail at Rajahmu
you are hereby req
and commande
in pursuance of
tha

determination
ceive the person
ve named into
ur custody, and
to deal with him in
conformity to the
ders of the Governor
ouncil and the
visions of Regulation
9.

the Right Hon'ble the Governor in Council

Chief Secretary

No 1609

Similar to go to
Central Jail,
, with prisoner
rayil Mordin Kutti's
e entered -

Chief Secret

To [illegible], dated Ootac
2 July 1884, &c

Sir,

I am directed to
forward to you copy
of letters addressed
to the Superintendents
of the Central Jails
at Rajahmundry
at Salem with war
for the detention as
State prisoners of
two Mappillas im-
plicated in a conspiracy
to commit murder
recently in [illegible]

3542-88

[illegible]

Zo

[illegible]

Warrant
and
Letter to the Inspe
General of Jails