

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 756.

DATED 9th Apr: 1895.

INDEXED.

[Despatch Abstract.]

TEKKATHIL KOYA KUNHI KOYA TANGAL.

Cancelling the warrant issued under G.O., dated 3rd. November 1894, Nos. 2633-35, Judicial, for the arrest^d--- he having been found not to be the Veliangoda Tungal implicated in the recent Moplah outrage; and directing the police to be on the watch to catch the latter if he should return to Malabar.

BACK PAPERS.

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9TH APRIL 1895, No. 756, JUDICIAL.

GOVERNMENT OF MADRAS. JUDICIAL DEPARTMENT.

READ—again G.O., dated 3rd November 1894, Nos. 2633-35, Judicial.

ORDER—dated 9th April 1895, No. 756, Judicial.

It is understood that, with reference to G.O., dated 3rd November 1894, Nos. 2633-35, Judicial, Tekkathil Koya Kunhi Koya Tangal was arrested and was found not to be the Veliangode Tangal implicated in the recent Moplah outrage and that the man who is really wanted has fled to Colombo *en route* for Mecca. The Government does not think it necessary to apply for the rendition of the fugitive, but the Police must continue to be on the watch to catch him if he returns to Malabar. The warrant issued under the aforesaid Government Order for Tekkathil Koya Kunhi Koya Tangal is hereby cancelled.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the District Magistrate of Malabar.
" " of Tinnevely.
" Inspector-General of Police.
" " of Prisons.

Exd. A. Baill.

Gobt. of {1895} Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th April 1895, No. 756.

APRIL.

Tekkathil Koya Kunhi Koya Tangal.

Cancelling the warrant issued under G.O., dated 3rd November 1894, Nos. 2633-35, Judicial, for the arrest of —, he having been found not to be the Veliangode Tangal implicated in the recent Moplah outrage; and directing the Police to be on the watch to catch the latter if he should return to Malabar.

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

DO NO 254

From

H. Moberly Esq.

No.

Dated 2.4.95

Received 4/4

Repd 5/4
Enclosures

SUBJECT.

Re. the Extradition of ~~the~~ a
Moplah^{the} Veliangode Tangal.
who was implicated in the
recent Moplah outbreak.

1st Grade Head (on note)
to make inquiry. This man
traveled the Tangle we
went through Ernakulam
Punalai, Pandalam, Nager
coil, & Thuvally to Tellicherry
where he learned that
the Tangle had embarked
on or about 1st March
for Colombo & that he
intends to go to Malacca.

I have had no official
report from Fawcett on the
subject, but have obtained
the above information from

Part II of his diary for
the week ending 23rd March
with the request
Government apply to
the Ceylon Government
for the Tangle's extradition.
If so, please let
me know if I am to send
somebody to India for
the man. I am not at all
sure that it would not be
better, now that the man
has gone, to wait: he will
probably turn up here
before very long, and he
can then be arrested

[G.]
25.
100-21-12-94.

Ind. DEPARTMENT.

D.O. No. of 2/4/95 Mr. Mohan?
Robert

From

Dated

189

FOR ORDERS.

In his D.O. Mr. Mohanly
reports that the Veliancode
Tangle who forms the
subject of para. 6 (15) of
G.O. of 8/9/94, N^o 2186, & of
G.O. of 3/11/94, N^o 2633, & G.O.
of 26/12/95, N^o 434, has fled
to Colombo en route for
Malacca.

Mr. Mohanly wishes to know
whether Govt. considers it
necessary to apply to
Ceylon for the Tangle's
extradition, but suggests
that it would be as well
to leave the matter alone
as the Tangle is likely to
return to Malabar &
can then be arrested. &
Mr. Carr has also handed
over to me Part II of the
Mr. Fawcett's diary for
the week ending
March

has sacrificed intelligibility to jocosity & it is not quite clear from his report what actually occurred.

From the first there has been doubt as to the identity of the Veliancode Tungal N, when a warrant for the deportation of J. Koya Kunchi Koya was issued, Govt. was careful to warn the Dt. Mag. to make sure that he had got hold of the right man (see G.O. of 3 Nov 94, N° 2633). According to the D.M. confronted the person first arrested with certain witnesses & satisfied himself that he had got hold of the wrong man (vide G.O. of 26 Feb 95, N° 434).

After this, it seems, the Police got on to two trails. One ended in the arrest of a man at Quilon; he too was released as being the wrong person.

The other individual was traced as far as Lathurim where he escaped to. But he is

46 756 Judl
9-4-95

Part II of the Statute 44 & 45 Vic. C. 69 (Fugitive Offenders Act 1881) applies to a group formed of India, Ceylon & the Straits Settlements. Therefore, under section 13, a magistrate in Ceylon ^{may} ~~may~~ arrest the fugitive if he is satisfied

- (1) that the fugitive is accused of an offence punishable by law in India;
- (2) that a warrant for his arrest has been issued by a duly authorized person in India.

But is the fugitive accused of "an offence punishable in India"?

In G.O. of 3 Nov 94, N° 2633, the D.M. was ordered to report if there is sufficient evidence forthcoming that the Tungal received stolen property from the fanatics. The D.M. has not reported explicitly on this point but it is pretty clear that the evidence available at present is insufficient to justify his arrest on a charge of receiving stolen property.

On the other hand the Tungal

under sec. 6 to confinement
as a State prisoner.

It seems reasonable then
to hold that the Tangal has
committed "an offence punishable
by law" within the meaning
of sec. 13 of the Fugitive
Offenders Act, 1851.

Of course, if the evidence
were sufficient to support
a charge of abetment of
murder, there could be no
doubt as to his liability
to extradition; but it is
almost certainly insufficient
to support such a charge.

Orders are solicited whether
extradition should be
applied for. If H.M. thinks
it should be, then it is
subm. that the D.M.
of Malabar has better
be left to issue the
necessary warrant addressed
to the Ceylon authorities.

He can do this under sec.
7 of Act XX of 1859 & Govt.
has not been informed of
the name of the man in
Ceylon so cannot, in
any case, issue a warrant
without a reference to
the D.M.

It is not at all unlikely that
the Police are again on a
false scent.

The warrant issued under
this is

CS.

Read again G.O. 3 Nov 94 No. 2633-35

Order. It is understood that, with
reference to G.O. 3 Nov 94, No. 2633-35
subd., Tekkathil Koya Kunhi Koya Tangal
was arrested & was found not to be
the Veliangode Tangal implicated
in the recent Moplah outrage & that
the man who is really wanted has
fled to Colombo en route for Mecca.
The Govt. does not think it necessary
to apply for the rendition of the
fugitive but the Police must continue
to be on the watch to catch him if he
returns to Malabar. The warrant
issued under the aforesaid G.O. for
Tekkathil Koya Kunhi Koya Tangal is
hereby cancelled.

(From orders)
D.M. of Malabar
D.G. of Police
D.O. of Prisons
8/4/95

I send you herewith a copy of
G.O. passed on the subject of
your D.O. of the 2nd inst. You
will see that Govt. does not think
it worth while to apply for the
fugitive Moplah's extradition, as,
on the whole, it seems all the better
that he should take himself off
to Mecca.

It is submitted that it is better
to let this matter alone.

I agree - If the man is
frightened then, better 5/4/95
& Mecca, so much the better. If on the
other hand, he returns to Malabar the
Police ought to catch him then. They
will certainly continue to be on the look-
out for him.

8/4/95

9TH APRIL 1895, No. 756, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

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(True Extract.)

Chief Secretary.

the District Magistrate of Malabar.
" " " of Tinnevely.
" Inspector-General of Police.
" " " of Prisons.
" Accountant-General.

Exd. A. Raitt.

Gobt. of {1895} Madras.
JUDICIAL.

First copy sent to Press.
Returned for signature.
Despatched in print.

READ AGAIN G.O. No. 159

CURRENT No.

ENCLOSURES TO G. No.

NOTE FOR THE UNDER SECRETARY.

1st 4b. 756 39/4/95

I beg to state that this
G.O. has been despatched to the
Mr. Magistrate, Malabar, only.
There was some delay as
while requiring the fair
copies for the other addresses
Mr. B. Attamattil wrote the
note attached. The copies
for the other addresses have
accordingly not been sent. If
Mr. Attamattil is correct
in the G.O. is not to be
please strike out the other
addresses in the original
and instruct the office to make

Issued
Recd. Encl.

G.O., 9th April 1895, No. 756.

APRIL.

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This 1st Encl. has been found
in close to the tracks of
the man we want. But
unfortunately the Police
arrested a man at
Quilon & found that he was the
man we wanted. There the
Constable said he was at the man
this for the Tangal a fair
start & he has escaped

Commodore
Commodore

2. 4. 95
CHIEF SECRETARY
4 APR. 1895
GOVERNMENT OF MADRAS
Very dear Sir
I am writing you. Officially
about the Tangal who was
the last of the families in the
last, as I have not yet received
an official report from the
as to what the Police have been
done. When I hear from the
that I am sure that the
man, who had been arrested
in December, was not the
right man, he depicted a