[L. & M.
2,000—12-8-98.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 104 P. mis.

DATED 20.1.99.

[Despatch Abstract.]

Judgment in the plague riot case at Conjeevaram.

Recording Plague Commissioner's Endorsement forwarding for the information of Government letter from the Collr. of Chinglepat, submitting copy of the ——.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Local & Munl. (1899) Department.

CURRENT No. 1039

From The Plague Commissioner

No. 78

Dated 11.
Received 16.
Registered 16.
} Jany 1899

Enclosures 5

Spare copies.

Order No 104 P mis of 20-1-99

Recorded

V.R.
19/1/99

20/1/99

To

The Judicial Department
for perusal & return

CS. Submitted for perusal

22/1/99

23-1-99

SUBJECT.

Submitting to Govt with reference to G.O. No. 1458 P mis dated 16th Novr/98 letter from the Collector of Chingleput forwarding copy of judgment in the case of a riot at Conjeeveram.

BACK PAPERS

G.O.	No.	Department.	Date.
	1458	P	16-11-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Plague Report

Chingleput
Sub Collector's Office
Dated 22 - 12 - 98.

Ref: on C.C. No. 70 of 1898.

From,

J. P. Bedford Esquire,
Joint Magistrate,
Chingleput.

To

The Collector of
Chingleput District.
Saidapet.

Sir,

With reference to your letter Ref: on No. 2005 Q. of 1898, dated 21st November 1898 and reminder No. 3 dated 20th December 1898, I have the honor to report that the trial of the Conjeevaram riot case was concluded today. Of the 16 accused placed before me, two were discharged, and one acquitted, the remainder being convicted under Sections 143, 147, 149, 152 and 341 of the Indian Penal Code, and being sentenced to terms of imprisonment ranging from 9 to 18 months in addition to fine ranging from 10 to 200 Rupees. The other details of the case will be found in my judgment, a copy of which will be submitted to you at the earliest possible date.

I have &ca
(Signed) J. P. Bedford
Joint Magistrate

BACK PAPERS.

G.O.	No.	Department.	Date.
	1458	P	16-11-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Plague report

Chingleput
Sub Collector's office
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I have &ca
(Signed) J. P. Bedford
Joint Magistrate

(True Copy)

Ref: on No. 2005/86 of 1898.

Forwarded to the Plague Commissioner with reference to his Ref: on C. No. 1482 dated 28th November 1898.

2. A copy of the judgment will be sent on receipt from the Sub Collector, Chingleput.

Chingleput Dist.
Collector's office
Saidapet 26th Decbr./98

P. Krishna Rao
for Ag Collector.

To
The Plague Commissioner,
Madras.

27/12/98

1 / Cho 63 P of 99

JUDGMENT IN CALENDAR CASE No. 70 OF 1898, ON THE FILE Case No. 86 of 1898 OF THE Joint MAGISTRATE OF Chingleput

Complainant ... Regina.

Accused ... 1. Jamnasa 2. Nanasa 3. Nallasa 4. Kuppasa 5. Kandappa Chetty 6. Govintha Naidu 7. Venkobasa 8. Varadappa Chetty 9. Subbaroya Chetty 10. Natesa Mudali 11. Govindarajulu Naicken 12. Murugappa Naick 13. Chickkappa Chetty 14. Kandasawmy Pillai 15. Veerasawmy Naick, & 16. Varadappachetty.

Offence ... 1. Members of unlawful assembly 2. Rioting. 3. Wrongfully restraining public servants in prosecution of the common object of that assembly 4. Obstructing public servants when suppressing riot 5. Wrongfull restraint. Under S. S. 143, 147, 149, 152, & 341 I. P. C.

Finding ... 6th and 9th - No case made out
1 to 5th, 7th & 8th, 10th to 15th - Guilty
16th - - - - - - - - - - Not Guilty.

Sentence ... 6th and 9th discharged under section 253 C. P. C.
16th acquitted under section 258 C. P. C.
1st to undergo rigorous imprisonment for (18) eighteen months and to pay a fine of Rs 200 or in default to undergo further rigorous imprisonment for (3) three months.
2nd, 3rd, 4th, 7th, and 10th to undergo rigorous imprisonment for (9) nine months and to pay a fine of Rs 100 each or in default to undergo further rigorous imprisonment for (3) three months.
5th, 14th and 15th to undergo rigorous imprisonment for (15) fifteen months and to pay a fine of Rs 20 each or in default to undergo further rigorous imprisonment for (3) three months.
8th, 11th, 12th & 13th to undergo rigorous imprisonment for (9) nine months and to pay a fine of Rs 10 each or in default to undergo further rigorous imprisonment for (3) three months.

500—12-04.

1 / 54, 1899

True Copy

Forwarded to the

With reference to

November 1898

A copy

receipt from the Sub

Court of the Class Magistrate of

Serial number. **1**	File No 86 of 1898
DESCRIPTION OF ACCUSED. Name.	1. Jamnasa 2. Nanasa 3. Nallasa 4. Kuppasa 5. Kandappa Chetty 6. Govintha Naidu 7. Venkobasa 8. Varadappa Chetty 9. Subbaroya Chetty 10. Natesa Mudali 11. Govindarajulu Naicken 12. Murugappa Naick 13. Chikkappa Chetty 14. Kandasawmy Pillai 15. Veerasawmy naick 16. Varadappa Chetty.
Father's name.	1. Chantusa 2. Krishnasa 3. Jamnasa 4. Jallasa 5. Nallamutha Chetty 6. Ramanjulu Naidu 7. Ellora 8. Ethirajulu Chetty 9. Chengalroya Chetty 10. Ramalinga Mudali 11. Venkatapathy Naick 12. Muniappa Naick 13. Kullappa Chetty 14. Krishna Pillai 15. Perumal Naick 16. Venkatapathi Chetty.
Caste or race.	1 to 4 Silk weavers 5. oil monger 6. Balja 7. Silk weaver 8 Weaver 9. Kannada weaver 10. Vellala 11 & 12 Vannia, 13 Weaver, 14. Yadava 15. Vannia 16. ~~Cooly~~ Weaver
Occupation.	1. merchant 2 Cooly weaver 3. merchant ~~&~~ weaving 4. Cooly weaver 5. cooly 6. merchant 7. Cooly weaver 8. weaving 9. weaving 10. merchant 11. weaving 12. cultivation 13. weaving 14. keeping cattle 15. cooly 16. Cooly.
Residence.	~~15~~ 1 to 14 & 16 Conjeevaram 15. Kolattur Sriperumbudur Dt.
Age. **2**	(1) 30 (2) 35, (3) 20, (4) 26, (5) 46 (6) 31, (7) 33, (8) 17 (9) 30, (10) 20, (11) 27, (12) 27, (13) 20, (14) 25, (15) 27 & (16) 45
DATE OF Occurrence.	21st October 1898
Complaint.	26th October 1898
Apprehension.	1. 2. 3. 4. 5. 6. 7. 9. apprehended on 2-11-98 8. 10. 11. 12. 13. 14 & 15 on 21-10-98. 16. on 4-12-98
Commencement of trial.	De novo trial Commenced on 6-12-98
Close of trial. **3**	22-12-98
Explanation of delay.	Fines not paid. Distress Warrants being issued. Proceedings sent to Superintendent of Police. Charge sheet was filed on 27-10-98 The case was posted for 4-11-98 Prosecution closed on 16-11-98 Charge was framed and statements of the accused were taken on 16-11-98. Case was adjourned for the hearing of defence to the 26th November 1898. There was change of officers. De novo trial was Commenced on the 6th December 1898 at the request of the Defence Vakils.

3
Cho. 103 P of 99

[illegible] is no direc

1. On 21-10-98 the District Medical & Sanitary Officer of Chingleput, Major Marsden (2nd P.W.) arrived at Conjeeveram by the 7-30 A.M. Train, and a little after 8 A.M. he and the local Civil Apothecary (3rd P.W.) met the Inspector of Police, Mr. Hartnett (1st P.W.) at the little Conjeeveram Police Station. 1st P.W. and the Station Head Constable (4th P.W.) and some Constables were inoculated in front of what seems to have been on the whole an orderly crowd of onlookers. The 1st P.W. however noticed that one man (5th accused) was calling out "we don't want inoculation" and moving about in the crowd, apparently to escape observation. The 1st P.W. sent the 4th P.W. to turn ~~[illegible]~~ him out of the crowd, which was done. When the inoculation of the Police Constables was over, some of the crowd asked to be inoculated, but the 2nd P.W. explained that his syringe was broken and that nothing more could be done that day. He and the 3rd P.W. then started for the Hospital in a bandy belonging to the latter, the 1st and 4th Prosecu

[illegible] the 3rd P.W's bandy had got as far as the bridge leading from the Hadsonpett main road into the market street, a crowd surrounded it, making a considerable uproar, and unharnessed the horse. They then ran a jutka (which was carrying the 2nd P.W's luggage) into the bandy, interlocked the wheels, and commenced to throw stones at the bandy, one of which hit the 2nd P.W. and inflicted a slight wound. The 2nd P.W. attempted to get out of the bandy, but was pushed back into the carriage by the 10th P.W. (discharged in the previous trial of the case by my predecessor Mr: Buckley) who seems to have acted as an intermediary between the crowd and the Doctor. A cry was suddenly raised that the Inspector was coming, and the bandy was allowed to proceed with the assistance of the 10th P.W. and of the 4th D.W. The 1st Prosecution witnesses, after walking about a quarter of a mile, had met a Police C stable (5th P.W.) who fetched a jutka

[illegible] is no dir

they got near the bridge mentioned above, they saw the crowd and jumped out of the bandy. Noticing a man (1st accused) waving a cloth and crying "Come on", they ran after ~~him~~ him. He ran away but they caught him up and arrested him. They then saw that a rush was being made at them, and let him go. The 1st P.W. took his stand on the bridge, directing the 4th P.W. to stand on the parapet wall (or on a heap of stones 2 or 3 yards off: it is not certain which) and identify the mob. Just at this time stones began to be thrown at the 1st and 4th Prosecution witnesses. The 1st P.W. held this position for some minutes until the Doctor's bandy had got well away, and then retreated slowly in the same direction accompanied by the 4th and 5th Prosecution witnesses and the hired bandy (~~tl~~ kd by the 9th P.W.), the crowd keeping at a distance of some 30 or 40 yards and throwing stones faster and faster, the stones being obtained from the heaps of road metal then stacked at the si [illegible] of the road. [illegible] the 3rd witness [illegible]

dropped behind in the course of the next quarter of a mile by a bridge over a canal, at which place an old pensioned head constable (7th D.W.) made an unsuccessful attempt to pacify the crowd. Mean-while the 1st and 9th Prosecution witnesses arrived at the Hospital, and the 1st P.W. learning that the doctor was safe, endeavoured to make his way to his house. When he got to the Shikpett tank, he found that the crowd had come round by a short cut, and was hit by a very large stone on the shoulder. Up till this time he had been walking, but he now thought it safer to get into the bandy. 100 yards further however the brace broke, and he had to proceed on foot, leaving the bandy and the 9th Prosecution witness behind. All the way up to his house, the crowd followed him throwing stones, and when he got into his house, they Threw ~~threw~~ stones at the house. He then sent 1 or 2 police constables, who came with —

[illegible] tion, but [illegible] on the evidence of the 1st & 4th [illegible] no direct

Prosecution witnesses as to his suspicious behaviour at the little Conjeeveram Police Station [illegible]

The crowd appears to have quieted down at this, thus enabling the two Police Constables (6th & 7th P.Ws) to arrest the 10th, 11th, 12th and 13th accused, whom they observed in the crowd throwing stones. These persons were then taken to the Police Station at the Taluk Cutcherry where Mr. Robertson, the then Sub Collector, was trying to reason with the still disorderly crowd, who hooted and clapped their hands as he left the place. At this stage, a police constable (8th P.W.) was wounded by a stone thrown by the 15th accused and another stone was thrown by the 14th accused at the 4th P.W. Both these men were arrested there & then. This account, which is practically unchallenged, and which I consider to be substantially the correct version, shows the Vindictive ~~vindictive~~ and determined character of the riot, and makes it clear that, but for Mr. Hartnett's presence of mind (aided probably by the [illegible]

dropped behind [illegible] next of general tu-
-mult within a few hours.

2 Sixteen accused persons have been put before me in this case. They were all charged by Mr: Buckley, but claimed a trial de novo, which has been granted them. The evidence against them (the riot being undoubted) is a matter of identification: and the identification rests mainly on Police testimony. This is inevitable in a case, of which the main feature is a savage and sustained attack on the chief representative of the Police in Conjeeveram: in my opinion the Police witnesses have (except as regards one circumstance which will be discussed below) given their evidence in a straightforward and satisfactory manner; and the trifling discrepancies (as, for instance, whether the 4th P.W. stood on the parapet or on [illegible]

they ~~[illegible]~~ stones at the house. He then sent [illegible] 2 police Constables, who came with

14 [illegible] collection, such [illegible] is no direc[illegible]

[illegible]

expect in the case of untutored witnesses giving an account of what they remember of a scene of considerable confusion and some danger to themselves. The testimony of the bandy man (9th P.W.) is however a valuable corroboration, as his presence during the occurrence is not in any way controverted; and as he is ~~has his~~ plainly an unbiassed man, being simply picked up on the spot by the Police Inspector, as any other bandy-man might have been. It may be added that no motion ~~motive~~ whatever has been disclosed or suggested for the introduction of the names of all or any of the accused now on trial.

3. The 4th Prosecution witness was specially told at the bridge leading to the market to identify those who were throwing stones. He identifies the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 14th, 15th and 16th accused. While engaged in this task, he was in a very [illegible]

identified by the 9th P.W. as [illegible] a part of the crowd at the market be[illegible] are of the road. [illegible] 5th [illegible]

[illegible] next [illegible]

his identification is uncorroborated, and I consider it unsafe to convict on an uncorroborated identification in such circumstances, and have therefore discharged these two accused under section 253 of the C.P.C. As regards the 2nd & 4th accused, he is corroborated by the 5th P.W., who deposes that they pushed him aside and took and threw stones. As regards the 2nd, 3rd, 4th, 7th, 8th, 13th, 14th and 15th accused he is corroborated by the 9th P.W., who speaks to stones being thrown by the crowd, and saw these men in the crowd, though he cannot say whether these men actually threw stones. As regards the 16th accused, his name was on the original arrest card, but no stress appears to be laid on this, as the 28th D.W. who deposed to his having been arrested on the 22nd (the day after the offence) was not cross examined. In these circumstances I think

they ~~threw~~ stones at the house. He then sent 2 police constables, who came with—

14

[illegible] sion, but [illegible] there is no direc[illegible] on the evidence of the 1st & 4th Prosecution witnesses as to his suspicious behaviour at the little Conjeeveram Police Station, and this is not only valuable as showing him to be a probable ringleader, but also lends value to his subsequent identification by the 4th P.W., who would not likely be mistaken in regard to a man whom he had spoken to so shortly before. As regards the 1st accused, his presence on the spot is not denied, and his defence will be considered in the appropriate place.

4 So much for the identification at the market Bridge. Coming now to the events opposite the Inspector's house, we have the evidence of the 6th & 7th Prosecution witnesses who saw stones thrown by the 12th and 13th and by the 10th and 11th accused, respectively. The arrest of these men is not denied, and the only question raised by the defence is whether they were present as participators or as involuntary and innocent spectators. I may add that all these four accused were identified by the 9th P.W. as forming a part of the crowd at the market br. are

Coming [illegible] is uncor [illegible]
the evidence of the 8th P.W. as to stone [illegible]
in the part of the 14th and 15th accused, both of
whom were identified by the 4th and 9th Pros:
witnesses as present at the market bridge.
[illegible] that [illegible] arrest in that point
a fact which is practically unchallenged
by the defence.

6. Such being the case against the accused persons (apart from the 6th, 9th & 16th) the defence practically rests on two grounds, firstly the circumstances attending the submission of the occurrence report and secondly rebutting or supplementary evidence. The first ground deserves detailed examination. The occurrence report (Exhibit A) is signed by the 4th P.W. and ~~detailed~~ dated 21st October 1898 and the S. H. O. distinctly affirms that it was written and signed by him on the *evening* of the 21st. On the other hand he admits that the report to the District Superintendent of Police (Exh: C) was not written till the early morning

[illegible]-ko-kr, I do not [illegible] the
[illegible] in accordance with the man[illegible]

when pressed on this point, he said he wrote exhibit C from his remembrance of Exh: A. This is ridiculous on the face of it, as the two reports are very long and are verbally identical. Moreover there is in each of them an interpolation, namely the word "Tuniyál". That the 4th P.W. should have interpolated this one word in Exh: A one evening, rewritten the whole report again next morning and again have omitted and had to insert this word is incredible, especially as he wrote Exh: C with his own hand. Plainly therefore Exh: A and Exh: C were written or at any rate signed at the same time, and the 4th P.W. has undoubtedly not spoken the truth in his explanation of the matter. The question now remains as to when they were signed and ready for despatch. I doubt myself whether it was on the early morning of the 22nd. The arrest report (an even more urgent document) marked as Exh: E, has the post mark 22-10-98

were [illegible] W. [illegible] to [illegible]
of meaning that it was 8 p.m. W. [illegible] to [illegible]

22nd. Moreover Exb: A. has the stamp of the 24th for the date of receipt in this office, which could hardly be, if it was posted early on the 22nd. Granted that it were posted late on the 22nd or early on the 23rd, the date of the 24th might no doubt be explicable by some irregularity in the stamping of the letters on receipt in this office, the 23rd being Sunday. And in any case Exb: C. (a duplicate of Exb: A.) was in the hands of the Inspector (1st P.W.) by the 23rd, as he has made several remarks on it, ~~bearing~~ bearing that date. The conclusion which seems most probable ~~to me~~ to me, as the result of these Considerations, is that the occurrence report was signed half a day to a day later than it should have been (the morning of the 22nd) and a day to a day and a half later than the 4th P.W. says it was (the evening of the 21st). Considering the unusual and highly decomposing ature of the events of the 21st and the

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to tranquilizing by the people after the
[illegible]-ke [illegible], I do not Consider the delay suffici serious to prejudice the case, and the chief matter for regret is that it should have le the S. H. O. (4th P.W.) into the paths of evasivene (to say nothing more severe), his conduct throug and his manner of giving evidence having been in other respects worthy of commendation. Taken with the above reservation, the report Exb: A is full and contains all the salient points of the case and the names of all the accused persons.

7. I now proceed to the defence evidence. The 1st, 2nd, 3rd, 4th and 7th accused are all weavers and appear to be men of some position. Ten witnesses were examined, two on behalf of each of them. I may note that seven of these were either Castemen of the accused or dependants of one Sitaramsa an influential merchant of Berhampur, who is a casteman of all the accused, named above and a connection by marriage of the 2nd accused. The evidence as regards the 1st accused is an attempt to show that he was really [illegible]

as regards [illegible] witnesses [illegible]

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hand (not his [illegible] to stone [illegible] [illegible]

[illegible] of the crowd, and said "whi[illegible]

the two witnesses who speak to this the 1st D.W. admits that the child (9 years old) did not come out of the crowd till 10 minutes afterwards, whilst the father (1st accused) went home at once. The 1st D.W. who deposes to this story, is a handy man of Sitaramsa. He went with the Inspector as far as the Channel bridge, and deposes that throughout that time there was no sort of stone-throwing - this is in glaring *contradiction* to the evidence of the 1st, 2nd, 3rd 4th, 5th and 9th Pros: witnesses as well as the 7th defence witness and is a most impudent falsehood. I do not consider that the evidence of these two witnesses is sufficient to establish that the 1st accused was in the crowd with an innocent motive. Even supposing the child was really in the crowd, it is by no means certain that his father was not encouraging rather than re-monstrating with him, and it is extremely

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the deft. [illegible] had a gumastah and as Sitaramsa was in the Dhani [illegible] 1st and 4th Pros: witnesses Ca

[illegible] the action and demeanour of a person trying to get his child out of the crowd for that of a ringleader trying to lead a mob to

8. The 2nd, 3rd, 4th, 5th, 7th and 8th accused set up of alibi. The witnesses for the 2nd accused (5th & 6th def: witnesses) say that he was weaving silk in the house of the former on the day in question. One of them is his relation and the other is Sitaramsa's arrack gumastah. They contradict each other hopelessly as to the general occupation of the 2nd accused for *whose presence* in the house of the 5th D.W. there seems very little reason. The 5th D.W. was so frightened at the mention of Sitaramsa's name that he denied a fact which he had previously admitted, namely his knowledge that the 6th D.W. kept an arrack shop at all, though the 6th D.W. said that he had been in the shop himself 20 or 30 times to get arrack. I lay stress on this point, because the reluctance of the 5th D.W. to admit any-thing to do with Sitaramsa leads st[illegible]

in the belief that this man's as to [illegible]

[illegible]ed in some way to assist the [illegible]

9. As regards the 3rd accused two bricklayers (8th & 9th Def: witnesses) stated that they had been working in his house and in his presence all the day in question. These men contradict themselves and one another as to any previous occasions on which they worked together, and finally one of them said that they had slept the night before coming to the court in the same chattram in Chingleput, whilst the other said that he had slept the night before in Conjeevaram and that he and the other bricklayer stayed in different chattrams when in Chingleput.

10. As regards the 4th accused, ~~two~~ two of his casteman (10th & 11th D.W.) depose that on the day in question he was asked to measure arrack in the shop of the former witness (a nephew of Sitaramsa). In this case there seems no reason whatever why the 4th accused should have been asked to do this work, as

the depôt keeper had a gumastah and as Sitaramsa is said to have five sons to manage his business all of whom were in his house and apparently unoccupied that day. Moreover it is evident that the amount of work in the actual giving out of arrack is practically nothing and is (as the 11th D.W. admitted), generally managed by the shop-keepers themselves if the gumastah is absent. The 11th D.W. was a mere passer by and had no special reason for noticing the 4th accused at all.

11. The witnesses of the 5th accused (12th & 13th Defence witnesses) do not speak to anything material as regards his doings on the day in question, and their evidence need not therefore be discussed. As regards the 7th accused the 14th Defence witness says that he came in on the day in question to have some spindles made and sat four hours watching 25 of them being made whilst the 15th D.W. (a next door neighbour) leant over the wall and (apparently unasked) took part in a bargain as regards their price. These witnesses are

are both castemen of the accused, and the story seems to me an improbable one in itself.

12. The evidence for the 8th accused is that, with the permission of his master (17th D.W., another dependant of Sitaramaiya), he used to go to the Dropathai Ammal temple every Friday or so. The Pujari admits that numbers of people go to Friday after Friday to the temple for the same purpose and that he cannot remember their names as a rule or when they came. On this occasion the 8th accused brought the circumstances to his notice by taking the summons to him and saying "Did not I come to the temple on the Friday before Augutha Pujah"? The 17th Def. witness contradicted himself flatly as to whether this was the only Friday on which the accused had gone to the temple or one of a series.

This closes the list of alibis. All of them are in my opinion worthless, the alibis themselves being farfetched, the witnesses

interested, and their evidence are abounding in contradictions and absurdities, of which I have given a few specimens above. I now come to the evidence tendered to explain the admitted presence of the 10th to the 15th accused at the scene of offence. I have however to except the 14th accused for whom the 25th & 26th Def. witnesses set up what apparently is meant to be a plea of alibi. As however it only proves that at about 10 A.M. he had a ten minute's conversation with the witnesses in a house not quarter of a mile from the scene of offence it may be dismissed without detailed examination.

14. As regards the 10th accused, an attempt was made to show that he had been to the Hospital that morning with a passport and was returning at the time. This broke down, as the Hospital Assistant (3rd D.W.) said that he came in the evening. The 18th & 19th Defence witnesses (who live in the house opposite the Inspector) say that

that they were standing on the pial and saw the 10th accused arrested but did not notice him throw stones. This is in such a scene of confusion, no answer to the statement of the 7th P.W. who watched him specially and says that he did throw stones. In fact the 18th D.W. says that for about a quarter of an hour after the arrival of the 10th accused and before his actual arrest he lost sight of him. The 19th D.W. goes as far as to say that he saw no stones thrown at all, which is in contradiction not only to the prosecution evidence but to that of the 18 D.W. who was standing by his side throughout. Of these two witnesses then, the 18th D.W. gives practically no support to the 10th accused, whilst the 19th D.W. is deserving of no credit.

15. The 11th accused has one witness in his favour (20th D.W.) whose evidence may be dismissed with the remark

that he places the scene of the arrest in a quite different street (namely that opposite to the Taluk Kutcheri) to the one in which it occurred according to the Prosecution story and according to the evidence of the 18th and 19th Defence witnesses given above. His story is an obvious concoction.

16. As regards the 12th accused the 21st and 22nd defence witnesses attempt to show that they and he were in the crowd as innocent spectators. Why they were in the crowd at all is not apparent, for, as elicited in the cross examination of the 21st D.W; it was out of their way; though in his own statement the 11th accused says he went to the spot on the way to his house. In fact, I gather from the evidence of the 22nd D.W. that these two witnesses only saved themselves from arrest by immediate flight. The 21st D.W. indeed attempts to show that he stopped a little time, and saw the accused being taken to the station; but, as he distinctly denies that he ever saw the 13th accused arrested (though the prosecution evidence shows clearl

clearly that he was arrested at the same time and by the same man as the 12th accused) his assertions on this point cannot be believed. The evidence of these witnesses, as far as it shows anything, tends to show that they have had a narrow escape of appearing as accused persons instead of witnesses.

17. As regards the 13th accused, the 23rd and 24th defence witnesses say that they were present at his arrest, and that there was no disturbance of any kind. The 22nd D.W. even denies that there was a crowd or that the Inspector was there or the 10th, 11th or 12th accused. Here not only is the prosecution evidence against them but also that of the 18th, 19th 20th, 21st and 22nd defence witnesses. The 22nd D.W. moreover says that he and the 13th accused were alone at the time of the arrest, whilst the 23rd defence witness says that he and the 22nd defence witness were together at the time.

18. Speaking generally of the evidence in

in behalf of the 11th 12th & 13th accused, it has to be noted that it is not put forth as a contradiction but rather as a supplement to the evidence of the Prosecution as to the arrest of these persons; and, if it were true, we would expect it to harmonize with that of the Prosecution as regards the circumstances of the arrest; whereas it is hopelessly discrepant with it, and is in itself irrelevant and unsatisfactory. As regards the 15th accused, we have the evidence of the 22nd defence witness who says that he came in from his kampong same with him on the day in question to get clothes, and was present at the time of his arrest. Though the accused wanted to get the clothes for himself, he entrusted the witness with the money for them and asked him to come and buy them. The reason for this is not apparent, and though the witness was left with the money after the arrest of the accused, he admits that he never purchased the clothes.

19. I have now analysed the whole

whole evidence for the defence. This in my opinion utterly unreliable and leaves the evidence for the Prosecution where it stood. The evidence for the prosecution being in my opinion strong enough to justify a conviction, it only remains to determine the nature of the offence committed. That there was a riot is admitted, and all the accused are found not only to have been amongst the rioters but to have taken an active part either by throwing stones or (in the case of the 8th accused) by inciting others to join in the crowd. Whatever the object of the crowd which surrounded Major Marsden's bandy may have been, the object at the subsequent stages of the riot with which we are more immediately concerned was to obstruct and restrain the Police Inspector Mr: Harnett in his endeavours to put down the original disorder. I therefore find the 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 10th, 11th, 12th, 13th, 14th & 15th accused guilty under sections

143, 147, 149, 152 and 341 of the Indian Penal Code, the 6th & 9th accused being discharged and the 16th accused acquitted for the reasons given in an earlier portion of the judgement.

20. It remains to consider the sentence. The main feature of the riot was the hounding of the Inspector of Police Mr: Hartnett through about a mile of the town pelting stones at him almost continuously. Such a brutal and cowardly attack on a single unarmed man would be worthy in any case of severe punishment, but when made on a person in Mr: Hartnett's position, it strikes at the foundations of law and order. In the degrees of punishment to be awarded to the different accused I am guided by the considerations that the 1st and 5th accused have been shown to be ringleaders, that the 1st, 2nd, 3rd, 4th, 7th & 10th accused are persons in an apparently better position of life than the rest, and lastly that the 14th & 15th accused not only took part in the original riot but also

attempted to renew hostilities at a period ~~at a period~~ when the remainder of the crowd were quieting down. The 1st accused is accordingly sentenced to rigorous imprisonment for 18 months and to a fine of Rs: 200 or in default to further rigorous imprisonment for a period of three months; the 5th, 14th & 15th accused are sentenced to rigorous imprisonment for fifteen months and to a fine of 20 Rupees each or in default to rigorous imprisonment for a further period of three months; the 2nd, 3rd, 4th, 7th & 10th accused are sentenced to rigorous imprisonment for nine months and to a fine of Rs: 100 each or in default to rigorous imprisonment for a further period of three months; and the 8th, 11th, 12th & 13th accused are sentenced to rigorous imprisonment for a period of nine months and to a fine of 10 Rupees each or in default to rigorous imprisonment for a further period of three months.

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cho. 103 P of 99

(Sd) J. P. Bedford
Ag: Jt. Magte
22-12-98.

(True Copy)

for Ag: Dist Magistrate.

29/12/98.

P. C.
3 - JAN. 1899

Plague Urgent

C N 64

Dis Department. No. 2805 D of 1898

Chingleput District Collector's Office,
Camp, Saidapet
31st December 1898

From
D. W. G. Cowie Esq.,
Acting Collector of
Chingleput District

To
The Plague Commissioner
Madras.

Sir,

In continuation of this office No. $\frac{2005}{\text{Genl}}$, dated 26: Instant, I have the honour to forward a copy of the judgment in the case of riot at Conjeeveram.

I have the honour to be,
Sir,
Your most obedient servt,

D W G Cowie
Ag Collector.

5
cho. 104 P of 99

W
31-12

C No. 64

DEPARTMENT

FROM

THE Acting COLLECTOR OF

Chingleput Dt.

To

THE Plague Commissioner

Madras.

DESPATCHED

Dated 31st December 1898.

Despatched 2 JAN

Received

3 JAN. 1899

Dis No. 2805 D of 1898.

ENCLOSURES. 1

SUBJECT.

—

Forwarding a copy of judgment in the case of riot at Conjeeveram.

c No 1039

No. 78, dated 11-1-99.

Submitted for the information of Government with reference to G. O. No.1458 P. Mis. dated 16th November 1898.

12/1.

Plague Commissioner.

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12.1.99

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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