

Law (General) (1931) Department.

Miss. SERIES.

G.O. No. 1039

DATED 6-3-1931

(10 Sheets)

[Despatch Abstract.]

Convict - Classification - Malabar
District - Iswari Ammal - c.c. No. 12/31 -
Sub Divisional Magistrate, Calicut — B Class
Ordered.

BACK PAPERS.

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

FURTHER PAPER

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

மதுகாபு பிரிவு -1
 செப்பனிருவர் பெயர் : சி. ரமணிபென், செப்பனிருவர்
 செப்பனிருவதற்காக எடுத்துக் கொள்ளப்பட்ட நான்.
 செப்பனிரு முடித்த நான்.
 25/2/31
 சரிபார்க்கும்
 முதல் முதியாள
 கையொப்பம்
 25/2/31
 சரிபார்க்கும்
 2ம் முதியாள
 கையொப்பம்
 25/2/31
 சரிபார்க்கும்
 உதவியாளர்
 கையொப்பம்

Ref.D.6.2248/31

From

E. C. Wood Esq., I.C.S.,

District Magistrate of Malabar,

To

Calicut.

The Secretary to Government,

Law (General) Department,

Madras.

Sir,

Prisoners - Political - Iswari Ammal and Janaki Amma K.M.

Accused in C.C.12/31 - Sub Divisional Magistrate's Court, Calicut.

Classification.

Sub Divisional Magistrate, Calicut, Ref.C.C.12/31 dated the 22nd February, 1931.

I forward copies of the Sub Divisional Magistrate's report and of the judgment in C.C.12/31 on his file. I am verifying the statements of K.M.Janaki Amma. The other prisoner is under the rules entitled to be placed in A. Class; her husband has been placed in B. Class.

Your obedient Servant,

B. D. Day
 For District Magistrate.
 28/2/31

KMP/27-2-31.

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From

M.R.Ry M.P.Narayanan Nayar Avl., B.A.,
Sub Divisional Magistrate, Calicut.

To

The District Magistrate of Malabar,
Calicut.

No. C.C.12/31 dated 22nd February, 1931.

Sir,

Prisoners - Classification - C.C.12/31-
Sub Divl. Magistrate - Calicut.

229725
28/5/36

[Iswari Ammal and K.M.Janaki Amma, A1 and A2 in C.C.12/31 on my file, were convicted by me on 19-2-31 of offences under Section 74- Clauses (c) & (f) of Act IV of 1889 and Section 145 I.P.C. and sentenced to suffer 6 months' rigorous imprisonment each for each offence - the two sentences to run consecutively. Iswari Ammal is the wife of Mr. T.R.Krishnaswami Ayyar M.A.B.L., who was placed in the B. Class when he was convicted of a political offence. She was living with her husband whose monthly expenditure is said to be Rs. 250/-. He keeps two servants. K.M.Janaki Amma states that she has a monthly expenditure of Rs 50/-. She was a School Mistress teaching Tamil in a School and she states she had also income from her tarwad. She is said to be a first cousin of a Police Sub Inspector and belongs to a middle class family. As both Iswari Ammal and Janaki Amma are accustomed to a mode of living superior to that of an ordinary C.Class prisoners, I recommend that they may be placed in the B. Class. A copy of my judgment in C.C.12/31 is submitted herewith.

pp 3-7 infra

Sd/-

Sub Divl. Magistrate.

27-2

In the Court of the Sub Divisional Magistrate of Calicut.

JUDGMENT IN CALENDAR CASE No. 12 1930 1931 ON THE FILE
OF THE Sub Divl. MAGISTRATE OF Calicut.

Present:-M.R. By M.P. Narayanan Nayar Adv., B.A.,

Sub Divisional Magistrate, Calicut.

Complainant Rex. Town station crime
No. 84/31

Accused
1. Iswari Ammal. ✓
2. K.M. Janaki Amma. ✓
3. C. Raghavan.
4. C. Govindan.
5. K. Kumaran.
6. T.K. Raghachandren.

Offence Continuing in an unlawful
assembly knowing that such assembly
had been lawfully commanded to
to disperse -Sec. 145 I.P.C.
Manufacturing contraband salt -
Section 74 of Act IV of 1889.

Finding A.1 to A. 6 guilty under section 14
I.P.C. A.1. to A.5. guilty under
Sections 74(f) read with Sec. 74 (c)
of Act IV of 1889 (Charge under the
Salt Act against A.6. was withdrawn
by the District Supdt. of Police)

Sentence A.1 to A.5. sentenced to suffer 6
Months' R.I. each under Section
74..(f) read with Sec. 74 (c) of
Act IV of 1889 and to suffer R.I.
for 6 months' each under Sec. 145
I.P.C. - the sentences to run
consequently.
A.6. released under Sec. 562 (1A)
Cr.P.C. for the offence under Sec.145
I.P.C. and acquitted under section
494 Cr. P.C. of the offence under the
Salt Act.

Number.	Name.	Father's Name.	Caste or race.	Occupation.	Residence.	Age.	Occurrence, Complaint.	Apprehension or appearance.	Commencement of trial.	Close of trial.	Explanation of delay.
1.	Iswari Ammal.	Venkateswara Iyer.	Brahmin.	Ml.	Kasba.	3.	2nd February, 1931.	Before the Sub Magistrate, 2nd Feb., 1931. Before this court, 18th February, 1931.	18th February, 1931.	19th February, 1931.	A.I. to A.6. were in remand throughout. A.G. was released on the 18th February, 1931.
2.	K.M. Janaki Amma.	Sundra Ayyar.	Nayar.	Do.	Do.	4.					
3.	Cheeriyi Raghevan.	Kannayi.	Thiyya.	Do.	Dharmadam.	2.					
4.	Chellath Govindan.	Korumban.	Do.	Do.	Do.	2.					
5.	Kayekal Kumeran.	Raman.	Do.	Do.	Nedubbren, Tellicherry.	2.					
6.	T.K. Ramachandran.	T.R. Krishnaswami Ayyar.	Brahmin.	Do.	Kasba.	1.					

C.C.12/31.

JUDGMENT.

The Inspector of Police, Calicut, Circle, charges the accused with having committed offences under Sections 145 I.P.C. and Section 74 of the Salt Act on the 2nd February, 1931 at the Calicut beach opposite to the Malabar Club.

2. The Inspector of Police, Calicut, Circle, deposes that on 1st Feb., 1931 Al, who was the Dictator, Kerala Satyagraha Committee distributed a notice stating that she and other volunteers would break the Salt law the next day on the Calicut beach. In pursuance of that notice (Ex. B) all the six accused assembled on the Calicut beach west of the Malabar Club. A.6. son of Al and a boy of 14 brought a mud pot and some cocanut shells. A.5. brought a Congress flag and planted it in the sands. The remaining four accused went to the sea. Al took salt water from the sea and with the other accused came to where A.5. stood. There they prepared a fire, put the pot over it and boiled the salt water with a view to making salt. The Inspector directed them to desist from their action as it was opposed to law and ordered them to disperse. The accused declined ^{to} disperse. They were therefore arrested and produced before the Sub Magistrate. Ex. A. is the F.I.R. prepared by the Inspector and submitted to court. The earthen pot, cocoanut shells and the congress flag are marked as M.Os 1, 2 (series) & 3 respectively.

3. The evidence showed that the accused attempted to manufacture contraband salt by boiling sea water and a charge under Section 74 (f) of Act IV of 1889 read with Section 74(c) of the same Act was framed against them. As they continued in an unlawful assembly knowing that such assembly had been lawfully commanded to disperse, they were charged also under Section 145 I.P.C. The Prosecuting Inspector withdraws the charge under the Salt Act against the boy

6
1039

A.6. and he will therefore be acquitted of this charge under Sec.494 Cr. P.C.

4- A.1. and A.2. admit having attempted to manufacture contraband salt, but A.1. adds that she is not guilty of any offence. A.3. does not wish to participate in the proceedings of the court. A.4., A.5., and A.6 do not wish to say anything. None of the accused wanted to cross-examine the prosecution witness or examine any defence witness.

5- The prosecution has proved that A.1. to A.5. attempted to manufacture contraband salt. It has also been proved that A.1 to A.6 formed an unlawful assembly with the common object of making contraband salt, that the Inspector of Police lawfully commanded them to disperse, and that they persisted in continuing in the unlawful assembly though they were aware of the order to disperse. I therefore find A.1. to A.5. guilty of an offence under Section 74(f) of Act IV of 1889 read with Section 74(c) of the same act. I find A.1 to A.6 guilty of an offence under Section 145 I.P.C.. As this is the recrudescence of the breaking of salt Law, the law-breakers deserve a deterrent sentence. I sentence A.1. to A.5. to suffer rigorous imprisonment for six months each under Section 74(clauses c and f of Act IV of 1889 and to suffer rigorous imprisonment for six months each under Section 145 I.P.C. the two sentences to run consecutively. As A.6 is a boy of 14 with no previous conviction I release him after due admonition under Section 562 [1A] Cr. P.C.

Sd/- M.P.Narayanan Nayar.
Sub Divl. Magistrate.
19-2-31.

Note:- A.1. and A.2. will be committed to the Presidency Jail for Women, Vellore. A.3., A.4. and A.5. will be committed to the Central Jail, Cannanore. A.1. and A.2. will be provisionally placed in the B. Class.

Sd/- M.P.Narayanan Nayar,
Sub Divl. Magistrate.
19-2-31.

Prosecution witness:-
Rao Bahadur K. Neelakandan Nayar, Inspector of Police, Calicut.

Defence witnesses:- Nil.

Exhibits for prosecution
A/2.2.31. F. I. R in the case.

B
1-2-31. Notice Published by A.I. Dictator of the Kerala Satyagraha Committee.

Exhibit for defence:- Nil.

Material objects produced in evidence:-

For Prosecution:- 1- Earthen pot - 2- (Series). Coconut shells.
3- Congress flag.

For Defence- Nil.

Prosecution was conducted by the Prosecuting Inspector of Police and accused were undefended.

(True Copy)

Sub Divisional Magistrate.

(True copy)

B.W. Day
for District Magistrate
28 27. 2. 31

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Law (Genl) Dept.

[C. No. 1136A] From the S. M. Malabar

p1 cf Ref. D.6.2248/31 dated 26-2-1931.

Convict - Classification - Malabar
St.- Swari Ammal and K. M. Janaki Amma

A.S.

cf Please see the letter from the S. M. Malabar, read above. The S. M. reports that he is verifying the statements of K. M. Janaki Amma. The S. M.'s recommendation as regards the classification of K. M. Janaki Amma may be awaited.

p1 cf

ibid

x No. 2 on p. 8 of 81. (C)

No 2 in (C) G.O. No. 2297 Law (Genl) dated 28-5-1930.

The Sub Divisional Magistrate, Calicut, who convicted Swari Ammal recommends that she may be placed in B class as she was living with her husband whose monthly

expenditure is said to be Rs 250/- For orders, whether, in the circumstances, the D.M.'s recommendation to place her in A
3/3/31

p2 cf

A class will be accepted

3/3

Iowai Animal's husband
having been placed in B class
already, she also may be placed
in the same class.

2. 4/3

C₂ 1951. 3. 31.

A.S.

A draft order is submitted.

5/3/31 car
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Sect. II-5 (a)

Date _____

Initia

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Law (Genl) DEPARTMENT.

When received for Fair-copying

When copied

When examined

When signed

When despatched

Convict - Classification - Malabar

St. - Iswari Ammal - C.C. No. 12/31

- sub-Divisional Magistrate, Calicut -

B Class ordered.

READ AGAIN G.O. No.

dated

19

19

READ ALSO :—

Ref No 1136 A From the 2nd Lt. Malabar, No Ref. D. dated 26-2-1931.
2248/31

19

19

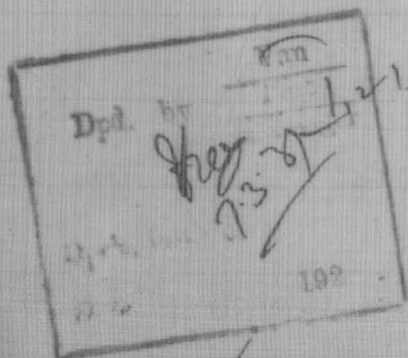
ORDER.

ebis

No 1039, dated 6. 3 1934

The Govt. direct that
Isware Ammal convicted on
the 19th. February 1931 in c.c.
12 of 1932 on the file of the
Sub Divisional Magistrate,
Calicut, be classified as 'B'
class prisoner -

2 The recommendation of the S. Cb., Malabar, as regards the classification of K. Cb. Ganaki Anna is awaited.



Dion

The 2. 11. 16. Thalabar

The D. G. of Prisons

The Supt. ^{to} Presidency Jail for Women,
Mellore.

5/3/31 cm
5/3

Bye
573

9/1039

Z91531A
14-3-31



D.Dis.2248/31. Malabar District Magistrate's Office,
From Calicut, Dated the 11th March, 1931.
E. C. Wood Esq., I.C.S.,
District Magistrate of Malabar,
To Calicut.
The Secretary to Government,
Law (General) Department,
Madras.

Sir,

Prisoners - Political - Iswari Ammal
and Janaki Amma K.M. - Accused in
C.C.12/31 - Sub Divisional Magistrate's
Court - Calicut - Classification.
(P) G.O.1039 MS.Law(General) dated 6-3-31.

As the women prisoners have been ordered
to be released, it is no longer necessary to con-
sider the question of classification of K. M.

Janaki Amma.

Your Obedient Servant,

For Dt. Magistrate.

Law (Genl) Dept.

A.S. may be lodged and stitched with
KMP/12/3/32. (P) G.O. No. 1039 L.G. dated 6-3-1931.
12-3 14/3/31 can 14/3