

Law (General) (1932) Depar

MS SERIES.

G.O. No. 984.

DATED 10 - 3 - 1932

[Despatch Abstract.]

Convicts - Classification - Madras City - (1) K. Bashyam Iyengar,
(2) V.N. Kothanayagiannal, and (3) J.K. Bhatia - C.C. 5376/32 on the
file of the Fourth Presidency Magistrate - Recommendation of the
Fourth Presidency Magistrate accepted.

சூராய்ச்சி
உதவியாளர்
கையெழுத்தம்

Fourth Presidency Magistrate.

✓ 3/284

In the Presidency Magistrates' Court, Egmore, Madras.

C.C. (Application No. 5376/1932)

Before M.R. Ry., S. David Nadar Ayl.,

Fourth Presidency Magistrate.

The 2nd day of March 1932.

Rex - vs - 1. Mr. K. Bashyam Iyengar, 2. Mrs. V.M. Kothanayagi Ammal, 3. A. Krishnasawmy Chetty, 4. K.V. Muthu Krishnan, 5. H. Venkata Ayyar, 6. V. Ranganatha Rao, 7. Jaising K. Bhatia - - - - Accused.

Sec. 17 Cl.(1) Criminal Law Amendment Act XIV/1908.

Judgment.

The police have charged the 7 accused before court for an offence under section 17 (1) of the Criminal Law Amendment Act XIV of 1908. The accused did not admit the offence. Hence the accused have been examined for the prosecution. The accused examined no witnesses in their defence.

2. P.W.1 who is Sub Inspector of Police, and P.W.2 an independent witness, speak to the facts of the case. At about 4-40 P.M. on 27-2-32 all the 7 accused carried black flags bearing the inscription "Lothian, go back" (M.Os. 1 to 7) and were marching in a procession along with about 50 other people crying out - - "Lothian go back, Lothian go, back". The procession was seen at the junction of the Broadway with the China Bazaar Road. The Sub Inspector (P.W.1) went with his men, and stopped the procession and asked them to disperse. As the accused refused to dis-

are therefore clearly proved.

3. P.W.3 is Head constable attached to the intelligence n of the Madras City Police. He says that accused 1 is of the Madras Congress committee, that accused 7 was n of the volunteers intended for picketting work, and that 6 was distributing congress leaflets once, and conducting operations on 2 or 3 other occasions, and that the other ed are congress volunteers.

P.W.6 who is Inspector of Police, Intelligence section of Crime Branch, Madras City also swears that accused 1 and accused 2 were members of the Madras District Congress committee before was dissolved and that accused 7 was captain of the congress -- volunteers. He was not cross examined in respect of these points.

P.W.4 who is a head constable swears that accused 6 was arrested by him on 26-2-32 for distributing leaflets (Ex.B) advocating demonstrations against the Lothian committee and that he saw him 2 or 3 times before that conducting picketting of

P.W.5 who is a Head constable swears that he served on 4-2-32 on accused 1 a copy of order under section 144 of the -- Criminal Procedure Code issued by the Chief Presidency Magistrate (Ex.C) in which processions were prohibited.

P.W.7 who is a sub Inspector swears that he served on accused 1 on 9-1-32 a copy of Commissioner's notice intimating to him the fact that congress committees in Madras have been declared unlawful associations under Part II of the Indian Criminal Law Amendment Act (Ex.E) and warning him against either saying or --

P.W.6 swears that although no formal meetings of these committees have been held since their dissolution, the volunteers and workers have been meeting their leaders and Dictators for carrying out the programme of the working committee of the congress. -- Thus although there is only a Dictator, the work of each committee is still carried on by the Dictator in collaboration with the other members, and the dissolution is merely formal, and -- there is combination continuing for the purpose of these associations between the Dictator and the members and the committees have not ceased to exist.

5. Accused 1 and accused 2 are thus members of the Madras District Congress committee which though dissolved nominally -- still continues to function and the others are volunteers carrying on the operations of these committees. The evidence on this point given by the prosecution witnesses have not been -- rebutted.

6. It is seen from item 9 in page 47 of the Gazette of India dated 6-1-32 that the All India Congress Committee directed that processions and demonstrations should be organised in furtherance of the Civil Disobedience movement. P.W.6 swears that this procession is in pursuance of this direction of the All India Congress Committee. As the accused are all either congress committee members or active congress workers or volunteers there is no reason to suppose that what he says is not true. The notifications declaring the Madras District Congress Committee etc., as unlawful associations say that the said -- bodies and the Dictator together with the persons commonly known as ----- volunteers operating in furtherance of the Civil disobedience movement under the general direction and management of the said bodies or of the said Dictator will constitute unlawful association. Accused 1 and accused 2 are members of the District Congress Committee and the rest are volunteers. Accused 1 in his statement says that he organised this procession as a protest against the Lothian committee, clearly in furtherance

of the Civil disobedience movement and all the accused carried a procession together in furtherance of the civil disobedience movement. All of them have thus been assisting the operations of -- associations declared unlawful. I consider therefore that all the accused are guilty of the offence under section 17 (1) of the Indian Criminal Law Amendment Act XIV of 1908. I convict them. As accused 1 appears to be the leader, I sentence him to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.250/- or in default to suffer rigorous imprisonment for 6 weeks in -- addition. The other accused are sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.100/- or to -- suffer rigorous imprisonment for 1 1/2 months in addition each.

(Sd) S. David,

Fourth Presidency Magistrate.

2-3-32.

/True copy/

Heenkatasam

Chief Clerk.



Report about status, education etc., of Mrs. Kothanayagiammal

Report about status, education etc., of J. Bhatia

1. Social status. - He was working as a representative of Cinema films on commission basis. His brother is working as a clerk in Choolai Mills. Belongs to a decent Gujarathi family.
2. Education - knows English to talk.
3. Mode of living - Middle class living
4. Extent of property owned -
5. Character & antecedents - Congress volunteer.

(Sd) *Heenkatasam*

Chief Clerk.

Report about status, education etc., of Mrs. Kothanayagiammal

1. Social status. - She writes books and sells and they are in good circulation. Herself Edits a paper called Jaganmohini. She has relations in high posts and belongs to a respectable family.
2. Education - Studied tamil well and knows English
3. mode of living - Decent and high class living
4. Extent of property owned - herself and her husband own two houses in Triplicane.
5. Character & antecedents - Works for congress.

(True copy).

Unnikrishnan
Chief clerk

8 2/984

Report about status, education etc., of Mr. K. Bashyam Iyengar

1. Social status - he is an Advocate of the Madras Bar and is highly connected.
2. Education - B.A., B.L.,
3. Mode of living - Decent and high class living
4. Extent of property owned - Owns house property
5. Character & antecedents. - Congress worker.

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(True copy).
Kankarabang
Chief Clerk

181
4/10/41

25/10/32

19/11/32

8/9/34

Government of Madras.
Received. 193 Abstract Registered. 193

Convicts - classification - Madras City - District
K. Bashyam Iyengar & V. M. Kothanayagam & J. K. Bhatia - CC 5376/32
to file of the Fourth Presidency Magistrate -
recommendation of District Magistrate accepted.

Law (General) Department.

G.O. No. 784 dated 16-3-32

Read the following papers:-

[330 A] From the Fourth Presidency Magistrate, Madras Ro CC No 5376/32 date 3-3-32

ORDER:-

The Government accept the recommendation of the District Magistrate, Madras that the following prisoners

may be classified as follows:-
Convicted on the 2nd March 1932 in CC No 5376 of 1932 on his file

- if may be classified as follows:-
- | | | |
|---------|--------------------|-------|
| (1) | K. Bashyam Iyengar | --- A |
| (2) | V. M. Kothanayagam | --- A |
| and (3) | J. K. Bhatia | --- B |

8/3/32

Fourth Presidency
To the District Magistrate, Madras
Superintendent, Presidency Jail for Women, Vellore
To the Inspector General of Prisons

9/3

9/3/32

9.3.32

