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P1-177 — 281-

**Meerut Conspiracy Case.**

**1929 — 32.**

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# P. W. 177

*Sardar Sher Singh. No. 312 in Lower Court on S. A. In English.*

I am Gurmukhi Translator to the Government of the Punjab. I prepared translations in the Lower Court of documents given to me for that purpose. All my translations are correct to the best of my knowledge and ability. The following are translations of the corresponding exhibits and bear my signature.

P. 451 T	of Exh P. 451.	P. 1879 (1) T	of Exh
P. 549 (2) T	„ „ P. 549 (2).	P. 1879 (1)	
P. 746 T	„ „ P. 746	P. 1904 T	of Exh P. 1904
P. 748 T	„ „ P. 748	P. 1905 T	„ „ P. 1905
P. 749 T	„ „ P. 749	P. 1906 T	„ „ P. 1906
P. 750 T	„ „ P. 750	P. 1910 T	„ „ P. 1910
P. 1393 T	„ „ P. 1393	P. 1911 T	„ „ P. 1911
P. 1408 T	„ „ P. 1408	P. 1912 T	„ „ P. 1912

In Exh P. 746 T I translated extracts or rather articles selected from the issues of Kirti contained in that exhibit. Similarly I translated only items selected in the cashbooks Exhs P. 748, P. 749 and P. 750. Again in P. 1408 I translated only certain selected items.

XXN. For Joshi and others. The selection of articles from the Kirti for translation was made by Mr. Mitter. There are English reviews of the Kirti in the office and he marked in them the articles wanted. I did not prepare that review. I believe they are prepared by the Press Department of the Civil Secretariat, Lahore. I am on the staff of that department. I and Lala Harnam Das are the 2 Gurmukhi translators on that staff. I did not take the help of those reviews in preparing my translations as I had to prepare full translations and those are only extracts. Our duty is to read all Gurmukhi newspapers published in the Punjab and translate extracts. They are all sent to our office. I have met articles on Communism in other newspapers besides the Kirti. Such articles appear from time to time in other Gurmukhi newspapers but not frequently. I did not actually translate Exh P. 549 (2) vide the note in Exh P. 549 (2) T. I don't know Gurmukhi shorthand. I know Urdu also. There is a good deal of difference between Urdu as spoken in the Punjab and Punjabi of which Gurmukhi is the script, in sound, language and grammar.

By Sohan Singh Josh accused. In the Gurmukhi exhibits I have come across words for Communism and Socialism. The word 'ek-mai' is used for both. 'Sanjhiwal' is a new word coined for the English word Socialist. In Exh P. 451T the words Mashbur sanjhiwal in regard to Mr, S. A. Dange can be 'a well-known Socialist.' I don't know if there is a great difference between Socialism and Communism as understood in English. Sanjhiwal can also be Communist. I would translate 'ekmai nithi' as Communist or Socialist Policy. 'Ekmai' and 'sanjhiwal' are practically interchangeable. I would translate 'punjidar' as Capitalist. For Imperialist the word 'shahinshahyat-parast' is used. For bourgeois and bourgeoisie there is no Punjabi word but certain words have been coined : namely 'punjidar and dhanad'. I would however ordinarily translate punjidar as capitalist. Dhanad ordinarily means Rich man. There is no definite word for proletariat in Punjabi but ( To Court ) mazdur and kirti are commonly used. Mazdur is common in Punjabi but is an Urdu word. In translating those words in speeches I usually translate them as Labourers and Workers and not as Proletariat. I have not read any Communist literature. I translate 'sharaini-jung' as class war.

By other accused. NIL.

REXXN. The exhibit I referred to in my note Exh P. 549 (2) T is Exh P. 1211 but I have not examined it. I was told there was an English version already so I did not translate Exh P. 549 (2). In Exh P. 1211 at page 20 the words Socialism and Communism appear together in line 4 of paragraph headed Conclusion. In the corresponding passage in Exh P. 549 (2) I find that the English words have been transliterated into Gurmukhi. Two lines lower down the words Empires and Imperialism in Exh P. 1211 appear in the Gurmukhi in P. 549 ( 2 ) as ' Badshahiyat ( sarmayadari )'. Sarmayadari really however is a translation of Capitalism. Note: This speech was actually delivered in English in P. 1211.)

Read and admitted correct.

Sd. R. L. Yorke

28.8.30

## P. W. 178

*B. Joti Swarup on S.A. No. 297 in Lower Court. In English.*

I am the Head Assistant to the Deputy Inspector General. I know Lester Hutchinson accused and G. Adhikari accused in Court (identifying both). The portion encircled with red pencil in Exh P 2330 was written in my presence by accused Hutchinson on 27-9-29 and bears my endorsement to that effect.

Similarly the portion encircled with red pencil in Exh P 2331 was written in my presence on 24-9-29 by accused Adhikari, as noted in my endorsement.

XXN. For Joshi and others. I should not have given the articles to the accused if they had not first given me receipts for them. I asked them to give me receipts. They said all right and did so. I did not warn them that these receipts might be used in evidence against them. I had some idea that I might have to give evidence about these writings. I had not received any orders or instructions about it. My endorsements were not written in the presence of the accused. I had not received any orders about taking receipts from the Addl. District Magistrate. I am not a Police Officer. I do not remember if I have seen any other writings of these 2 accused besides these but I think not. I cant say how long afterwards I received information that I would be cited as a witness. No other officer of the Court was present when I took these receipts.

By Hutchinson accused. I am Head Assistant in the prosecution office. I am well acquainted with the printed exhibits in this case. I have not seen them in the original. I know where the exhibits are kept and think they have always been kept there. I have seen the printed exhibits because I keep them in office for the use of Counsel. It is correct that when the Deputy Inspector General wanted an exhibited document I used to go and tell the Court Inspector. I have also seen the printed copies of the depositions both in the Lower Court and here. I dont correct the copies of depositions as they come from the printer. I dont remember the statement of P. W. 285 Abdul Aziz that 'objectionable letters went to Mr. Horton. I dont know if so called objectionable letters were sent to Mr. Horton in the Lower Court. So far as I know no letters of accused were sent from the Jail to the prosecution office. I do not act as Mr. Horton's secretary. I did not open his official letters or deal with them. He deals with his official correspondence himself. After he had dealt with them some of the letters came to office. In that correspondence I never saw any original letters written to or by any of the accused

in this case. Mr. Khairat Nabi is acting for Mr. Horton since he went on leave. The same procedure is followed by him and what I have said about letters dealt with by Mr. Horton applies also in his case. As regards book received for the accused the District Magistrate sends them to Mr. Khairat Nabi. He returns them to the Deputy Magistrate after he has seen them. I have never known any occasion on which he has confiscated any of these books. He always returns them to the District Magistrate. There is a difference between the 2 signatures of accused in Exh P 2330. I had not received any instructions from Mr. Horton, Khairat Nabi, Langford James or Mitter to see that accused signed in my presence. I did not insist upon getting a written acknowledgement of the articles returned.

By Nimbkar accused. I did not ever act under the orders of Mr. Milner White Addl: District Magistrate in 1929. I was posted to Meerut from about 29th March. I dont know where all the search material was then. I did not see any order of the District Magistrate that the material should be handed to Mr. Horton for investigation. The articles returned to Hutchinson accused were from the material recovered in the searches in March 1929. I acted under Mr. Horton's authority in returning these documents. I was present in Court when Mr. Horton gave evidence there. I dont know when the search material passed into the Addl: District Magistrate's control. On 27-9-29 when I handed these articles to accused Hutchinson the search material was with the Court Inspector. The Court Inspector was not acting under Mr. Horton's orders. On the date I made over the articles to Adhikari accused they were in the Deputy Inspector General's possession having been confiscated by the Customs authorities. I dont think I took any receipt from any other accused. In course of my duties I often receive receipts from various people. I dont always write that the receipt was written in my presence. In fact I dont remember any such case. I did so in this case because I had some idea that standard handwritings might be required. I gathered the idea from the talks I had heard of Counsels. The prosecution office has not to my knowledge ever taken photographs of letters written by accused from the Jail. I said in Lower Court that papers to be submitted to the Deputy Inspector General or sent by him pass through me. I dont remember any occasion on which instructions were sent from the prosecution office to watch the activities of the visitors and friends of accused. (A number of questions relating to the difficulties of the accused and the like disallowed as not relevant to the charge).

By other accused Nil.

By Mr. Sinha for Adhikari accused with permission. I have

in my possession a number of articles alleged to have been recovered from Adhikari accused by the Customs Authorities. I received them some time in 1929. I have seen a copy of Exb. P 1478 before. I think the articles were compared with the list at the time of their arrival. I dont remember if more articles were received than are shown in this list. I dont think I have any detailed list of the letters contained in the 1st 4 items and the last that is no 26.

REXXN. The books sent by District Magistrate to Mr. Khairat Nabi were sent in order to ascertain whether they were proscribed literature or not. It was easier for Mr. Khirat Nabi to find that out than it was for the District Magistrate.

(Mr. Sinha asks me to note 2 objections to these writings, (1) that these are writings which accused were compelled to make. This has been dealt with already in connection with a thumb impression of Ajudhia Prashad accused.

(2) that these papers are applications to the Court and there is some authority to the propositions that such papers should not be used against an accused. As regards that I will hear Mr. Sinha any time he has the authorities available.

(Sd). R. L. Yorke.

28-8.

Read and admitted correct.

(Sd.) R. L. Yorke.

28-8-30.

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**P. W. 179**

*Sub Inspector Arjun Singh on S.A. No 211 in Lower Court.  
In Urdu.*

I am in the Punjab Criminal Intelligence Department since 9 or ten years. In the course of my duties I have intercepted letters. I am also an Urdu shorthand reporter. I intercepted the following letters or their originals on the following dates:

Exh P 1894 C on 30. 1. 29.

Exh P 1895 on 20. 1. 29. Original, withheld.

Exh P 1896 P & PE and P (1)C on 22. 1. 29

Exh P 1897 P and (1)P on 3. 2. 29

Exh P 1898 E, (1)&(2) on 24. 3. 29 Original, withheld.

Exh P 1899 and E on 7 4. 29 Original, withheld.

Exh P 1900 C on 8. 11. 28

Exh P 1901 P on 5. 10. 28

I myself wrote the copies which I have proved and compared them and they are correct. The photographs were not taken in my presence. I however compared the photographs before reposting the original. I did these interceptions in Amritsar.

On 24. 2. 28 I was present at a meeting at the Bradlaugh Hall in Lahore of the Naujawn Bharat Sabha Conference. Sohan Singh Josh accused and M. A. Majid accused both spoke. Exh P 1902 N are my verbatim shorthand notes of the speech of Majid accused but I wrote the resolution moved by him in longhand. I also took shorthand notes of Sohan Singh Josh's speech and Exh P 1903 N are those notes. He also moved a resolution which I wrote in longhand.

Subsequently S. S. Josh accused moved other resolutions of which I took longhand notes, and made shorter speeches of which I took shorthand notes. Exh P. 1902 and P. 1903 are correct transcriptions made by me of those shorthand and longhand notes.

On 24. 1. 29 I attended a meeting at Jalianwala Bagh organised by the Khilafat and Congress Committees.

S. S. Josh spoke in Punjabi and I took as full a note as I could in longhand Urdu script. Exh P 1904 is a fair copy of my original note, which is Exh P 1904 N.

On 16. 12. 28 I attended a Kakori day meeting at Amritsar. S. S. Josh spoke and I took an Urdu longhand note of his Punjabi speech. Exh P 1905 is my original longhand note and Exh P 1905 is a fair copy of it.

On 28. 9. 28 I attended Kirti Kisan conference at Lyallpur and also on 29th and 30th. S. S. Josh accused spoke in Punjabi and I took longhand notes of what he said. Exh P 1906 N contains



my original longhand notes of his speeches and Exh P 1906 is a fair copy of those notes. He made five speeches in all. In the same conference Majid accused also spoke. Majid spoke in Urdu and Exh P 1907 N are my shorthand notes of his speech and Exh P 1907 is a transcription from those notes prepared by me. In Exh P 1908 N I took shorthand and longhand notes of all the resolutions passed in the Conference and Exh P 1908 is an Urdu transcription of those notes. The notes are in the same notebook as are the speeches of Josh and Majid accused.

In that Conference some posters in Urdu and Gurmukhi were distributed and Exh P 1909 contains one of each.

On 5.8.28 at Jalianwala Bagh there was a Naujawan Bharat Sabha meeting to which I went. S. S. Josh accused spoke in Punjabi and I took a longhand note in Urdu script. Exh P 1910 N is my original note and Exh P 1910 is a fair copy, made by me.

On 20.7.28 there was a meeting at Mahalpur in Dist Hoshiarpur of the Sikh Diwan. Accused S. S. Josh spoke in Punjabi and Exh P 1911 N is a longhand note in Urdu script which I took of his speech. Exh P 1911 is a fair copy of those notes.

On 12.6.28 at Amritsar there was a Bardoli day meeting at which I was present. S. S. Josh accused spoke in Punjabi and I took a longhand note in Urdu script which is Exh P 1912 N. Exh P 1912 is a fair copy of those notes prepared by me.

On 15.5.28 at Jallianwala Bagh Amritsar there was a Naujawan Bharat Sabha meeting at which I was present. M. A. Majid accused spoke in Urdu and Exh P 1913 N are shorthand notes with a few longhand notes of his speech taken down by me. Exh P 1913 is the transcription which I prepared of that speech.

On 12.4.28 there was a Young Men's Conference at Amritsar which I attended. M. A. Majid accused spoke in Urdu and I took a longhand note of his speech which is Exh P 1914 N, of which Exh P 1914 is a fair copy made by me.

All the above shorthand and longhand notes and copies and transcriptions are in my own hand. I indentify S. S. Josh and Majid accused in Court (pointing them out as also Sahgal) and also K. N. Sahgal accused. K. N. Sahgal was also present at this meeting, and spoke.

On 3.3.28 I attended a meeting at Bradlaugh Hall Lahore, at which Spratt, Sahgal, Dange, Majid accused were present. (Witness indentified Dange and Spratt in Court, the latter with some difficulty.)

I cannot give the dates on which I made any of my transcriptions.

XXXN. For Joshi and others, I don't myself decide which of the letters I intercept are to be copied and which to be photographed. That is decided by the officers in Lahore. Sometimes I make suggestions. There is no special ground for making such recommendations. It depends on the importance of the contents and I decide by common sense. After copying a letter I send the copy to the office in Lahore. Every letter is first of all sent to Lahore for orders unless it is one which I can myself pass on, i. e. repost as having no importance. In some cases letters come back with an order to copy. I then copy such a letter, repost the original and send the copy to Lahore without the original. Sometimes also I take a copy and send copy and original to Lahore together and further sometimes after taking a copy I repost the original without taking orders. In the case of Exh P 1894 C I myself reposted the original after copying it without taking orders so far as I remember. So far as I recall I did not show the original to anybody. (Witness gave above answers after carefully examining his notes). To court. There is nothing in my notes to show the above. I am speaking from memory. The 2 words 'ideology' and 'sane' in Exh P 1894 C are not in my hand. The rest of this copy is in my hand. I don't know the handwriting of those 2 words. I copied the letter as I read it. I did not take a copy of envelope. I am not sure but I think the name and address of sender were on the envelope. I don't remember when I reposted Exh P 1894.

I sent the Postcard Exh P 1895 to Lahore for orders and it was ordered to be withheld by the Assistant Deputy Inspector General. It bears no signature or initial of mine or of the Assistant Deputy Inspector General. I don't know if photos or negatives of intercepted letters are signed by intercepting officers. Sometimes I do and sometimes I don't sign typed copies made by me. I did not myself type the copy Exh P 1896 (r) C. Nor do I know who did so, nor is there anything on the copy to show who did. There is also no signature or initial of mine on Exh P 1896 P and PE.

I can't say on what date I reposted Exh P 1897, nor does the exhibit bear my signature or initial anywhere. Letters sent to Lahore and withheld by order of the Assistant Deputy Inspector General generally do not come to me again. Exhs P 1898 and 1899 were both withheld by order of the Deputy Inspector General. They neither of them came back to me after being withheld. Intercepted letters are usually sent to Lahore the same

day and arrive there next day. I took no copy of their contents. - I dont remember their contents but I had read them. I remember at the top of both Exh P 1898 and 1899 the heading and the words in Manuscript 'For Kirti'. By these I am able to say that these are the ones I intercepted. I have done interception work about 4 years. I dont remember if I was ever given a list of Communists Exh P 1900 was I think reposted by me the same day that I intercepted it. Exh P 1901 P bears no signature or initials of mine on it. I dont know who made the photographed copies. Intercepted letters are sent to Lahore by special messenger. I dont take a note in each case of the messenger by whom I send a letter. I am not doing interception duty now; I am stationed at Lahore. Such letters are sent by the hand of a Police orderly. I cannot say who acted as messengers in these cases.

It is possible but difficult to take down Punjabi speeches in Urdu shorthand. It used to be done but since 4 or 5 years it is not done. There is no Punjabi shorthand.

The meeting of 24. 1. 29 (P 1904) had some connection with King Amanullah. Mr. Rup Lal Puri merchant was president of the meeting. It was to express sympathy with King Amanullah.

At the Kakori Day meeting (P 1905) other persons also spoke, Ajit Singh, I don't find the name of Chabil Das in my notes.

At the Lyallpur Conference (P 1906) other people besides accused also spoke, Chabil Das was one and I reported his speech, the posters were so far as I remember distributed by some volunteers. I do not remember ever seen posters similarly distributed by volunteers in other meetings. I also saw similar posters posted up in the town but not in the conference itself. I am a Sikh myself. Diwan simply means meeting. Sikh Diwan (P 1911) means a meeting convened by the sikhs.

Mr. Parbati Devi was President of the Bardoli Day meeting and Dr. Kichlu was present and spoke.

I took Exh P. 1914 in Urdu longhand. The reason probably was that I was taking down in longhand before and went on in same mood that is without thinking. It is not the fact that I did not know shortnand at that time.

At the meeting of 3.3.28 Dr. Satyapal was present and spoke. M. A. Khan and Diwan Chaman Lal were also present. I know M. A. Khan slightly. He has something to do with Labour Unions in Lahore. I cant say if it is to do with Railway Union. I have attended a number of Labour meetings at Lahore. I don't remember any Majid Ali at those meetings.

By Nimbkar accused. I do not remember instructions to photograph letters written to and from various provincial communists. Nor do I remember whether my explanation was ever demanded for failure to get some letter photographed. I cant say without referring to my records who the Superintendent was under whom I was serving in November 1928. I cant say if I had any information then that Jhabwala was a Communist.

Sd. R. L. Yorke.

1.9.30

Continued on S. A. By Sahgal accused. In 1928 I was working under the Superintendent of Police Criminal Intelligence Department Lahore probably Mr. Jenkins. I was also under Sardar Sant Singh, but I dont recall exactly when. I open intercepted letters in the postoffice, in a separate room, not in the presence of any postal official. Any notes or stamps found in such letters are put back in them. I open such letters as are addressed to persons about whom I have such orders. When I repost a letter I put it in the letter box. I dont inform the post office authorities. There is no check to ensure that I repost ordinary letters. I learned the work of opening letters after 2 or 3 years service.

When I was in Amritsar it was my duty to attend all meetings as far as possible. For Meetings outside Amritsar I used to receive orders. I have attended only one or 2 provincial Congresses of the Naujawan Bharat Sabha, probably one in Amritsar and one in Lahore. For the meeting of 24.2.28 I got orders from my superior officers. I cannot say exactly from who. I dont remember if I took any witnesses to that meeting. I dont know any Dilawar Khan, or Mohd. Akbar Khan of Lahore, or Dr. M. F. Sale, or Surat Singh other than the S. I. of that name. I know one Agha Arshad. In the notes of that meeting I find the names of Dilawar Khan, Agha Arshad, Dr. M. F. Shah, Md. Akbar Khan and Sub Inspector Surat Singh. I did not take them as witnesses. They are described as 'witnesses' in the notes. They were witnesses to that meeting. I gave them nothing as expenses. The entry is in my hand. After the meeting they asked me to write their names. I did not ask them to be my witnesses. They asked me to note that they had attended the meeting. This was the 2nd annual session of the Naujawan Bharat Sabha. Speeches were made by Lala Dunichand, Dr. Paras Ram, Dr. Md. Alam, Md. Amin and others. I dont number the pages in my notebook. I transcribed Majid accused's speech on orders of some officer. I dont remember when I got that order. My original transcription of the speech is in the notebook opposite the shorthand notes, parallel with them. It is not correct to say that there are 26 corrections in my transcription.

I find 9 only, the others pointed out to me are not corrections but over-writings to make the writing legible, where it was dim. In the fair copy of transcription of P. 1902 it is not correct to say there are 9 corrections. I find 7 only. Corrections are due to shorthand being based on phonetics. The notes can be transcribed incorrectly. (witness read 2 passages from the shorthand notes successfully.)

In my original transcription in the notebook of Exh P. 1903 N there are 9 over-writings and one correction. The overwritings were in order to make clear an illegible word. In the fair copy of the same transcription it is not correct to say there are 28 corrections. I find 10 words crossed out, 2 over-writings and 7 corrections.

In my notebook I had not originally transcribed the whole of Sohan Singh Josh's speech but only a part. In Exh P. 1903 however I have done the whole. I can't say exactly why that was. It was not because I was first told the speech was not required. I was responsible myself. It all depends upon time whether I complete the transcription in the notebook. After taking notes I send my notebooks into the office, and make them over with my summary to the clerk in charge. I cannot get them back whenever I want them. The poem recited by S. S. Josh was recorded by me in longhand. I had been writing longhand before. So I took it also in longhand. I could have done it in shorthand. In the fair copy of Exh P. 1904 three words have been cancelled because they were superfluous. In the original transcription in the note-book there are 2 corrections, not 4. None of my notebooks are page-numbered. So far as I know S. S. Josh was not a Congress Office-bearer. I used to see him in Congress meetings, and he used to speak in them. In the fair copy of Exh P. 1905 there are 2 cuttings out of superfluous words and not 4 corrections as suggested. In the original transcription in the notebook there are not 11 corrections but 1 correction, 3 superfluous words cut out and 4 words over-written to make them legible because they were faint.

In Exh P. 1906 fair copy of transcription there are not 15 corrections but 6 superfluous words cut out, 4 over-written to make legible and one correction. The heading which has 2 corrections is not part of the speech but my own description. In the original transcription in the notebook there are not 18 corrections but 7 over-written for legibility, and 5 superfluous words cut out. There was also a Punjab Provincial Political Conference at Lyallpur in those very days. So far as I remember the 1st meeting of the Workers and Peasants Conference was in the Congress Pandal and the rest in the open.

The 4th Resolution in Exh P. 1908 original notes was written on the spot. It contains a little over-writing which was done to make illegible writing clear. I cant say if the resolution ought to have added to it the words 'Is Imperialism aur Capitalism ko hargiz barhne na denge.' There is a speech of Kedar Nath Sahgal following that resolution of 10½ pages. In Exh P. 1908 in resolution about flag the seconder was accused Sahgal. He made 10 lines or so of speech. There was no mention of any sign on the flag in the resolution. In his speech Sahgal said the flag should have on it the sign of a loaf of bread or a stick. Sahgal also spoke on 12th resolution about arms. His speech covers 2 pages in the notebook.

Sd. R. L. Yorke

2.9.30

XXN. Continued on S. A.

I dont remcmber if the general sense of his speech was that villagers should be armed because a single badmash armed with a pistol could loot a whole village. I find from the notes that he did say so. Sahgal accused also said a prayer which I wrote in longhand. It is D. 383. I dont think any pages have been torn out in note book part 1 of that meeting.

(In Exh P. 1907 witness read a passage at request of accused successfully. Object was to check transcription.)

In original transcription of Exh P. 1910 N. it is not correct to say there are 21 corrections. There are 2 superfluous words cut out and 6 over-writings for legibility. I cant remember what is the explanation of the line which appears to have been put in afterwards on the 6th page of original note of S. S. Josh's speech is. (In English: They should not be allowed to enjoy themselves. On the other hand they are to be thrown on the back and hurled to the ground.) So far as I remember I wrote it at the time. In the fair copy there are not 7 corrections but 3 over-writings and 4 superfluous words cut out. I am certain that portion could not have been put in afterwards because I never do so and if I miss anything I leave a gap. In longhand reporting there are usually omissions; it is not always possible to report verbatim. At that meeting 8 or 9 persons made speeches. In the original transcription in the note book of Exh P. 1911 N it is not correct to say there are 70 corrections. There are actually 40 over-writings, 16 superfluous words cancelled and 2 corrections. On pages 62 and 66 of the notes words omitted have been written above the line. In the fair copy Exh P, 1911 there are not 33 corrections but 8 over-writings, 14 superfluous words cut out and 4 corrections.

That Mahapur meeting was on behalf of the Akalis and zamindars of that neighbourhood. I cant say whether the Akalis are a religious sect of the Sikhs. So far as I remember the Guru Granth was kept in that meeting, 12 or 13 persons spoke at the meeting.

In the original transcription in notebook Exh P. 1912 N it is not correct to say that there are 12 corrections. There are 10 overwritings and one superfluous word cut out. In the fair copy Exh P. 1912 there are not 5 corrections but 2 over-writings and one superfluous word cut out. That Baradoli Day meeting was under the auspices of the Nau Jawan Bharat Sabha and the Congress Committee. Some 8 or 9 persons spoke.

In Exh P. 1913 N the original shorthand notes there are not 4 corrections but 2 superfluous outlines have been cancelled. In the transcription Exh P. 1913 there are not 8 corrections but 3 overwritings and 5 superfluous words cancelled. Similarly in the longhand note Exh P. 1914 N there are not 7 corrections but 5 over-writings. In the fair copy there are not 9 corrections but 4 over-writings and 3 superfluous words cancelled. All except 2 pages (notebook) of Exh P. 1913 N is in shorthand; there are 9 pages shorthand. The longhand portion was an announcement. I cant say whether it was taken in longhand because I did not think it important. Volunteers: It may be that it was given out slowly. Speeches are usually taken in shorthand because of the speed but if a speech is delivered slowly and nothing is likely to be missed I take it in long hand. 4 or 5 persons spoke in all. Sahgal spoke and I reported his speech. At the Young Men's Conference on 12 4-28 some 15 or 16 persons spoke. It was held in same Pandal as the Punjab Provincial Conference. Pt. Jawahar Lal Nehru also spoke at that sitting. I think I took my note of Exh P. 1914 N in longhand because Majid accused spoke slowly. He usually does speak slowly.

I dont recall time of meeting on ~~3-3-28~~. It was in afternoon. That meeting was on the grass plot outside the Bradlaugh Hall. So far as I remember the attendance was about 150. I was posted at Amritsar at that time. I cant now remember how I came to attend that meeting. Dont recall if Mr. Milner was at that meeting. I think that was the 1st time I saw Spratt accused. Spratt was introduced by Mr. Ram Chandra the Chairman. Cant say if Spratt had a mustache then. Spratt accused was not pointed out to me in the Lower Court. Meeting lasted over an hour. I went to attend the proceedings. I went for reporting. I did not report because speech was in English and that was reported by an Indian reporter in English. I dont know who he was or from where he came. I dont think I had seen Dange accused before

then either. Generally for reporting of English speeches reporters go from the Secretariat or the Legislative Council office. Posters are usually posted up and not distributed. Those I have proved were being distributed so I asked for them. In Exh P. 1907 N it is not a fact that there are 2 corrections in the resolution but 2 over-writings, while in the speech in the transcription there are not 54 corrections but 18 over-writings, 18 cuttings of Superfluous words and 4 corrections. Similarly in Exh P. 1908 fair copy of transcription there are not 16 corrections but 4 over-writings, 6 superfluous words cut out. I wrote the Urdu words over the shorthand outlines during the meeting when I got time, to avoid mistakes later, and to save time. I have heard Sahgal accused make speeches in Congress meetings, since 6 or 7 years. Temple flags are usually red. So far as I remember I made the fair copies of transcriptions at Lahore.

By Sohan Sing Josh accused. The letters addressed to Kirti and withheld or photographed on my interception are not all exhibits in this case. I dont remember how many more there may be. I used to send a report to office with each letter I sent my messenger. I sent to office the report of which a photograph is given in Exh P. 747 issue of Kirti of December 1928 opposite page 56. It shows that I sent a letter from Muzaffar Hussain to Sohan Singh to be photographed. I have not proved any letter of Muzaffar Hussain. That report did not relate to Exh P. 1900 C. I saw the same photograph in the Tribune. I think the intercepted letter was also published in the Tribune.

By Majid accused. My shorthand reports are verbatim. There may have been occasions on which I had to leave portions out because I did not hear. In Exh P. 1907 after line 13 page 50 English version there appears to be a gap. The outlines are dim and I cant read them. At line 10 on next page in English version I also marked the passage as unintelligible. I wrote a word in longhand which is unreadable and so I cant make out the shorthand words either. In the last sentence but 3 in this speech I am unable to read the words in 3 places. There may be similar gaps in other speeches. The resolution moved by Majid accused on 12. 4. 28 was seconded by Pt Jawahar Lal Nehru. At Amritsar I entered the Nau Jawan Bharat Sabha meeting 1st day by ticket and afterwards free. At Lahore I remember I went in on a Criminal Intelligence Department Press reporter's ticket. It was given me by my officer. It bore no mention of price. I cant remember if it was printed. It was not a 4 anna delegate ticket. At Lyallpur I went in 1st day by ticket but afterwards the meetings were in the open and free. There were 3 or 4 sitting at Lyallpur. One or 2 meetings were in pandal. Local officers gave me the



ticket. I dont remember going with 2 other officers to accused Majid for tickets.

REXXN. Tomorrow.

Sd. R. L. Yorke

3. 9. 30

Continued on S. A.

For Sahgal accused. I have today prepared a fair copy of the longhand note I took of the prayer of Sahgal which is Exh D. 383 (This is marked D. 383 (i).

REXXN. In Exh P. 1894 C the gaps where 'ideology' and 'sane' have now been put in were left by me because I could not read the words in the original letters. The portions at foot of my copy Exh P. 1894 C is in the handwriting of Mr. Wace Assistant to the deputy Inspector General of Criminal Intelligence Department. There is also in blue circle a note by a clerk in the office whose name I dont know with below it an initial signature by Mr. Nagle who is the office Superintendent. The corrections to which I deposed yesterday are none of them opposed to my shorthand notes, that is they agree with those notes.

To Court. The resolutions which I have transcribed in Exh P. 1908 are in the same notebook with Exhs P. 1906 and P. 1907 N. These are they. (Witness indicated the passages which were marked Exh P. 1908 N (1) to (5).

Read and admitted correct in Urdu.

(Sd.) R. L. Yorke

4-9-30

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## P. W. 180

*B. B. Mankar on S. A. No 189 in Lower Court in English.*

I am a shorthand reporter in the City of Bombay. I reported certain speeches in Bombay between 1927 and 1929 under the instructions of the Bombay Criminal intelligence Department.

(Witness asked to identify Spratt accused said twice that he could not see him but on going inside the dock and approaching Spratt accused within one yard he picked him out. (Appears to be shortsighted). I am a private reporter and report in English. Exh P 1689 is the transcription prepared by me from my shorthand notes of a speech delivered at the Students Brotherhood Hall in Bombay near French Bridge on 8-5-27 by Spratt accused in Court. I had taken down that speech in shorthand and this is a correct transcription of my shorthand notes. It correctly records his speech. I sent this transcription to the Criminal Intelligence Department Office in Bombay. It must have been the next day. The shorthand notes must be with the Criminal Intelligence Department office: then said, no I was wrong they were not preserved. At that time the system of preservation was not in force. I kept the notes for some 6 months and then destroyed them.

Exh P 1690 is a transcription of a speech reported by me. I had attended a meeting at Jinnah People's Hall in Bombay on 21-1-29. The meeting was to celebrate the Anniversary of the death of Lenin. Comrade Shaukat Usmani presided and spoke. Nimbkar and Bradley and Dange, and Gangadhar Adhikari all spoke. I am shortsighted. (Witness went into the dock and identified accused Bradley, Nimbkar, Dange and Usmani. He could not identify Adhikari). I have only seen Adhikari on that one occasion. I took down shorthand notes of all their speeches and transcribed them correctly overnight and the next day. I sent the shorthand notes and transcriptions to the Criminal Intelligence Department. The notebook shown to me is the one in which I took notes of those speeches. I have marked the portions which I transcribed, namely the speeches of Usmani, Bradley, Nimbkar, Dange and Adhikari. In the case of Adhikari's lecture I took snatches of what he read but it can't be deciphered as it consists of incomplete sentences. So in the end I recorded a note.

(Sd.) R. L. Yorke.

4-9-30

Continued on S. A.

On Jany. 3. 1929 I attended a meeting at the Jinnah People's Hall in Bombay. At that meeting Mirajkar accused and one Mr. Ryan spoke. The meeting was under the auspices of Mr. Mirajkar, whom I recognise in Court (pointing him out). I took shorthand reports of the speeches of Ryan and Mirajkar. I transcribed those speeches correctly immediately afterwards. Exh P 1691 is that transcription. I sent my notes and the transcription to the Criminal Intelligence Department office in Bombay. The subject of Ryan's

speech was "My experience in Soviet Russia." The book shown to me is the shorthand notebook in which I took those shorthand notes and Exh P 1691 N is the note. I have marked the relevant portions in that notebook.

Exh P 1692 is a transcription prepared by me correctly from my shorthand notes of a speech delivered by Hutchinson accused on 26-3-29. (Mr. Sinha puts forward an objection that any speech delivered by an accused after March 20, 1929 is not admissible in evidence of this conspiracy unless it is an admission or confession Arguments heard and orders reserved.) This meeting was held in People's Jinnah Hall under the auspices of the Bombay Youth League, the object being to protest against the repressive policy of the Government. I took a correct report of the speech of Hutchinson and sent the transcription, which I made next day, along with the notes to the Criminal Intelligence Department. The notebook shown to me is mine and contains my notes of Hutchinson's speech. I have marked the relevant portion Exh P 1692 N.

On 2nd March 1929 I attended a meeting at Matinga in Bombay held in Lakhmsey Nakoo's Hall. The principal speaker was Hutchinson accused who spoke on Youth and Politics.' I took a correct shorthand note of his speech which I transcribed immediately afterwards and sent the note and transcription to the Bombay Criminal Intelligence Department Office. Exh P 1693 N is my shorthand note and Exh P 1693 is the transcription.

On 3-2-29 I attended a meeting at People's Jinnah Hall Bombay under the auspices of the Bombay Youth League and presidency of Comrade Shaukat Usmani. The Principal speaker was Hutchinson accused whom I recognise in court (pointing him out). His subject was 'The road to Insurrection'. I took a correct shorthand note of his speech and Exh P. 1694 is a correct transcription of that speech which I made shortly afterwards. I sent both the notes and the transcription to the Criminal Intelligence Department office. The note-book shown to me is the one in which I took notes of Hutchinson's speech and I have marked the relevant portion which is Exh P 1694 N. The meeting was at 6-30 p. m.

On 1st May 1929 I attended a meeting at Worli in Bombay of the Youth League, in connection with May Day or the International Labour day. The principal speaker was Hutchinson accused. I took a note in shorthand of his speech correctly and subsequently transcribed it and sent the transcription and the note to the Criminal Intelligence Department office at Bombay. Exh P 1695 N the marked passage is the shorthand note taken by me of Hutchinson's

speech and Exh P 1695 is the transcription which I made. I have been doing reporting work since 1897.

XXN. For next date.

(Sd) R. L. Yorke.

5-9 30

XXN. For Joshi and others. I am still actively working as a reporter. I know Marhatti shorthand also but I don't report in it. I used to report in Marhatti 30 years back but I don't do so now as I can't report fast enough in it. I have been working for the Bombay Criminal Intelligence Department since 1914. I don't know if that Criminal Intelligence Department has its own reporters or not. I have not found any other shorthand Criminal Intelligence Department reporter present on any occasion when I was present. I am supposed to be the Criminal Intelligence Department reporter. I also report for private persons at meetings and do not remember seeing any Criminal Intelligence Department reporters at such meetings. I have reported many speeches of others besides these accused for Criminal Intelligence Department. I have never proved any of the speeches which I have deposed to hear in any other court. I don't remember sending my notes of Spratt's speech P 1689 to anyone else. There is nothing to indicate when I transcribed Exh P 1689. I work alone and have no assistants under me. I never sign my transcriptions before sending them to anyone but the Criminal Intelligence Department have lately started a system of having notes and transcriptions signed by the reporter. It was started about January 1929. I keep no record of what work I do. I have no account book: I put in my bill and the money comes along in a few days. I don't see my report again after I have submitted it to the party who engaged me. I make no record of the work done nor do I keep any copy of my transcriptions. I don't remember anything about Spratt's speech of 8-5-27. I have no material apart from the transcription from which I can verify that I reported the speech correctly or at all. The President of that meeting was Mr. B. F. Bharucha. I have known him for some time. I have reported a number of his speeches but can't say if they were at Labour meetings. I don't remember any meeting attended exclusively by labourers. I always submit to the Criminal Intelligence Department 3 copies of my transcriptions.

My transcription Exh P. 1690 does not bear my signature or any date of transcription or submission. I have no actual recollection of anything said at the meeting. I have no record anywhere apart from this transcription to show that I reported this speech or did so correctly. I cant say why the last page but one has lost a

portion at the foot. The last page was typed by me I am sure. Nor can I say why the last page is numbered 17a instead of 18. I could not hear Adhikari's speech properly because he was reading so indistinctly and fast. I could hear some words here and there. I could understand what I heard. He was reading from an English note. I saw it after the meeting and had it in my hands for some minutes, before Adhikari accused took it away from me on hearing I was for Government. Nimbkar accused had got Adhikari to give it me at my request originally. I can't say if any other reporters were present at that meeting. There was a special table for reporters at that meeting, and there were other persons sitting with me at that table. I can't say if the Bombay Chronicle representative was there.

In Exh P. 1691 also the top copy is not mine. These top copies were prepared in prosecution office and brought on Lower Court's record by mistake, they have now been removed from the record. They were not proved by the witness.

Sd. R. L. Yorke.

8 9 30

The exhibit does not bear my signature or date of transcription or submission. I have no recollection of the meeting or record apart from the exhibit. I don't remember seeing any announcement about this meeting beforehand. My note at the beginning of my report was an inference from Mirajkar's conduct at the meeting. I have never visited the office of the local United Peasants and Workers Organisation. That note was also an inference from what I heard. The light caused straining of the eyes in reporting. By A 1 type in my headnote about the audience I meant the highest leaders of the political movement. It was composed mainly of young enthusiasts. My remarks in my headnotes in Exh P 1691 are not in the shorthand notebook at all. My notes begin with my report of Mirajkar accused's speech. I wrote the head-notes from my head and there is no other original of it.

Hutchinson accused's speech Exh P. 1692 was in support of a resolution moved by Miss Prema Kantak. Mr. Dikshit also spoke in support of it and also Mr. Kashikar. There was another resolution moved calling on the citizens of Bombay to take immediate steps to organise relief for the families of the arrested patriots. There was another calling on Pt. Moti Lal Nehru and Mr. Srinivas Iyengar to leave aside all engagements and undertake the defence of the arrested patriots at Meerut. No other resolution was discussed at this meeting. The object announced for the meeting in the

handbills was as I stated 'to protest etc.' In the same announcement I saw Mr. Nariman's name to preside. It may have been handbill or newspaper. The discussions at the meeting were confined to these 3 resolutions. I certainly did not make any mistake and go to a meeting other than the one about which I had seen announcement. I have a note at the end of my report that some collections were made for the relief of the families of the arrested patriots.

In Exh P 1693 I have not mentioned any organisation under the auspices of which that meeting was held. I know the President Mr. Vakil but not whether he has written some books on economics. Exh P 1694 does not bear my signature or the date of transcription or submission. I have no material for verifying whether I reported the speeches correctly or at all except the exhibit. When I have corrections to make I generally make them in red ink. The name 'Usmani' at the head is not in my handwriting; I originally typed it as Shaukat Hussain but someone else has crossed out Hussain and written Usmani putting Hussain in brackets. In my original notes Exh P 1694 N I wrote as President merely Hussain. There is no mention of Shaukat Usmani in my notes or transcription as originally written. The first few pages of this notebook were used for other purposes.

In my headnotes to Exh P 1695 I mentioned the audience to be 16000. They were almost all workers millhands. There were some speeches in Marhatti also at this meeting. This report contains a number of Marhatti equivalents. There were a number of speakers, including Mr. H. D. Rajah and Mr. Kulkarni.

By Nimbkar accused. I wear glasses, only for reading and writing. I can see the accused Nimbkar (standing 10 paces away). I have known Nimbkar accused nearly 13 years. He employed me once, to report the proceedings of a Conference held under the auspices of the Bombay Students Federation presided over by Mr. M. R. Jayakar. I have often heard Nimbkar speak in public meetings. I may have heard him speak in Congress meetings in 1920/21 but not in Khilafat meetings. Accused was then General Secretary of the Bombay Presidency Students Federation. I used to see accused at the Labour meetings addressed by Baptista, Chaman Lal etc, in 1920/21. I also saw him at the first All India Trade Union Congress presided over by Lala Lajpat Rai at Bombay in 1920 November. I heard Nimbkar speaking on several occasions, in English and Marhatti. He speaks at about 150 words to the minute in Marhatti, and the same in English. Accused was editing an English magazine in those days, and a Marhatti weekly. In 1926 when Mr. Jayakar was standing for the Assembly

In 1926 I saw the accused. As a reporter I know individuals and institutions in public life in Bombay. I know the Bombay Students' Brotherhood. I know it as a meeting place for students educational purposes. Mr. Jayakar was president of it at one time for more than a year. In 1920/21 the late Sir Nagan Chandravarkar was its President and till his death. The Brotherhood every year arranges a series of lectures, debates, conversational meetings, to which leading professors and scholars are invited. Mr. Kabadi mentioned in my report is a theosophist. Lenin Day was observed in Bombay before January. 21, 1929. Jinnah People's Hall belongs to the Bombay Provincial Congress Committee. I don't remember if that meeting was also under the Bombay Provincial Congress Committee's auspices. I took Nimbkar's Marhatti speech in English shorthand. I translated mentally as he spoke into English and took it in English shorthand. It is not possible that I should have omitted certain portions of his speech. I might possibly have made mistakes in the mental translation. I don't remember in that speech Nimbkar saying a good deal in answer to some scholar about the importation of new ideas, nor is it possible he said it because I could not have dropped a whole passage like that. So far as I know the sentence 'Lenin lived and died for the bourgeoisie and the proletariat' is correctly reported. I cannot reproduce the Marhatti sentence which accused used in saying that. He must have used the actual word 'bourgeoisie.' I don't know the Marhatti equivalent. The word for Proletariat is 'lokasangha' 'Loka' means generality of people. The word 'dnyan' which I have translated realising their condition means simply 'knowledge'. I can't give the Marhatti sentence for the English one 'he felt that there was....' The sense is that he felt there was hypocrisy vitiating the spirit of democracy and the other spirits which follow. The speaker must have used some word meaning Republic about Japan and so I translated it. some word must have been used which I translated as democracy in the next sentence. The word 'Go' 5 lines from bottom of page 52 English version may mean Goswami; I did not hear the end of the word.

Mr. Nariman is president of the Bombay Presidency Youth League. Mr. Mehrally is its General Secretary. Miss Vhesania, Miss Katak, A. R. Bhatt, Mr. H. D. Rajah, Mr. S. B. Kabadi are leading members. I was present at a meeting at Jinnah Peoples Hall on March 25, 1929 presided over by Mr. Jamnadas Mehta. At that meeting he recommended the use of khaddar. At the end of that meeting Joglekar accused was arrested and the Youth League announced the meeting for March 26th.

Reference Exh P. 1693 I know Mr. Krishna Iyer slightly. He is a follower of Mr. Gandhi. The organisers of the Matunga

Youth League are mostly Madrassis. I have read articles by Maniklal Vakil on the Boycott of British goods in the Bombay press.

Reference Exh. P. 1695 one Mr. Patil is one of the organisers of the Worli Youth League. At that Mayday meeting Lalji Pendse presided. I did not report any other speech of Hutchinson accused that day in another meeting. I was in Bombay on 3.2.28, the day of the landing of the Simon Commission. I am aware that the Bombay Provincial Congress Committee organised a series of meetings to propagate against the Simon Commission in the previous fortnight. I am also aware that the Bombay Provincial Congress Committee and the Youth League organised a demonstration against the Commission in October 1928. I heard rumours of an impending Communal riot at Bakr Id in 1928. Accused Nimbkar was Joint Secretary of the Bombay Provincial Congress Committee in 1927 to 1929. I attended a meeting of the All India Congress Committee in 1927 presided over by Moti Lal Nehru. Accused Nimbkar and Joglekar were at that meeting. Really Sirinivasa Iyengar was the General President. I know the accused Nimbkar, Joglekar, Dange, Mirajkar as persons taking a leading part in the public life of Bombay.

By Hutchinson accused. I passed the Matriculation examination of Bombay university. I studied English. I received my instructions to report the speech Exh P. 1694 from the Deputy Commissioner of Police Bombay. I got a specific instruction on each occasion that I reported accused Hutchinson's speeches. I could not tell on what date I received the instructions. There was no other Government reporter present that I know of. I don't recall if Inspector Desai was there. I did not compare notes with anyone after the meeting. I heard Hutchinson's speech clearly and was sitting near the platform. So far as I know I did not omit any part of the lecture. In transcribing speeches I put in punctuation. After transcribing I go over the transcription to correct typographical mistakes. If there are grammatical mistakes in Mr. Hutchinson's speeches they must be mine. He is an Englishman after all. I don't think it likely that in the quotation from Rousseau at the bottom of page 37 accused said 'free' instead of 'brave'. At the end of Hutchinson's speech I can now read 'free' for brave in my shorthand notes but the rest of the sentence I cannot read differently from the way it appears already in my transcription. I can read some portion of my notes still.

At the Matunga meeting P. 1693. I was approached by somebody who asked me whom I represented. I said I represented the Times of India. I never had any connection with the Times



of India. I did so because otherwise I should not have been allowed to sit and report. I am generally known to people but on this occasion I was not and finding I would get no room I said that. The transcription of the passage about 'pyjamas' is exactly according to my notes. The passage was not interpellated: how could I do so while I was following his speech.

Sd. R. L. Yorke

8930

Continued on S. A. Referring to my notes Exh P. 1693 N. and the passage at line 8 of page 72 English version I cannot read the proper names of the newspaper owners nor can I read clearly the notes that follow. To Court. The reason is that the whole thing has gone out of my head. I can read some outlines but not others because I don't know what to make out of them. Outlines have not got fixed meanings. To accused. I can not read the passage following the words Napoleon the great humbug at all clearly but only bits of it.

(Note: The witness tried to do so but failed.) At the bottom of the page I cannot give the name of the Lord. (For the rest witness's reading from the notes tallied fairly closely with the printed transcription.) In the passage (on page 74) about the sailor and the missionary I read the words 'bible' and 'comfort' as they were before but (to Court) the outlines for comfort could equally represent 'convert'. The outlines for this, these, those, thus are all the same. I have the outlines for the word 'swine' clearly in my notes.

On March 25th I remember Mr. Baloobhai Desai being a speaker and Mr. Horniman being present. Mr. Desai was a Member of the Legislative Council. I was at that meeting as a reporter to report the whole proceedings. The hall was crowded, Mr. Jamna Das told the audience to be quiet because Joglekar accused was being arrested under a warrant. The meeting then became peaceful. I saw a Police officer go near Joglekar, accused on the platform. Mr. Jannadas first said there was a warrant and then that there was no warrant. I don't know if there was or was not a warrant. Mr. Hutchinson tried to speak but was stopped by Mr. Jannadas. At the end the audience demanded another meeting. On page 78 in the middle the name of the old man of 70 looks like 'Dharma', and I also have a Marhatti sign for dharma there. Lower down the page the phrase 'living age' should be 'living wage'. It is a typing mistake.

In Exh P. 1695 I did not report what the translator said but what Hutchinson accused said. Sir is the title of a knight.

In the passage at foot of page 90 English version it is not Sir J.B. Thomas but something like 'another' J.B. Thomas. Nor is it 'Sir' James Macdonald but some word like 'with'. The word in same sentence 'native' could not be Indian or Irakian. In the passage about the great revolutionary Trade Union of Europe the word 'crush' should be 'smash'. The rest of that sentence tallies with the outlines. (Note: the witness can very seldom transcribe his notes without the help of the transcription.)

The last sentence but one of the speech ends with the words 'swept off absolutely away in the sea'.

By Bradley accused. I never find any difficulty in reporting different people's speeches. In case the hall is badly lighted there is some difficulty in taking notes. In those cases I read over my notes as soon as I get home. The position in which the reporters are sitting also affects the efficiency of reporting. The Peoples Jinnah Hall is a worthless hall for reporters. I mean that the reporters' table there is very badly placed. In Exh P. 1691 I made a note that bad seating and bad lighting made efficiency and accuracy difficult. The conditions were still bad when I reported the last of the speeches I have proved in this case. Note: In Exh P. 1690 Bradley's speech the witness asked to read from the beginning had apparently omitted in the transcription a considerable passage at the beginning. I omitted that passage because I thought it was a dig at the Criminal Intelligence Department. The full passage runs: 'One of the most important theories of Lenin subject (or speech) themselves always at all events struggling workers but it is necessary for many many Lenins in India, as I see that and as I go along the road I saw some of my friends of the Criminal Intelligence Department. They are naturally coming in large numbers. The unfortunate part for India is that people come...from the rest of the world and not any particular country. The worst thing is...for the part of the Communist literature...gentlemen of the Criminal Intelligence Department. It is said that there is a ruling class...Lenin...revolution. These take place in every country where there are attempts at freedom etc.' I cannot now transcribe clearly what I wrote. There are no other portions of this speech omitted in the same way. I cannot now transcribe with certainty the whole of my notes of this speech. I have no recollection of what accused Bradley said. There is nothing in my transcription of Bradley accused's speech to show that any portion of it had been omitted. I did not mention the omission to the officer to whom I submitted the notes and transcription. I can't say that I always omit such digs at the Criminal Intelligence Department because there never have been such digs. I have not omitted passages in transcribing

any other speech. I certainly do not make alterations to suit the taste of the Criminal Intelligence Department in making transcriptions at the instance of the C.I.D. Note:—Witness tried to transcribe a passage on page 48 about Lenin being one of the greatest leaders: he could not do so intelligibly. Witness tried to transcribe the passage of 7 lines beginning at line 34 of English version on page 49. The transcription did not tally except occasionally with the exhibited transcription, in which there appeared to be some omissions also.

By Joglekar accused. There are 2 marks in the middle of the torn edge of page 17 of Exh P. 1690 suggesting there was typing on the portion cut off. I live in Thakurdwar, Girgaon road not a labour area. (Accused asked this witness a very large number of questions about meetings etc. in the last 4 years. To all these the witness replied that he was not present.) On the 3rd page of my notes P. 1695 N in the Worli meeting a portion of the page has not been filled with notes. It is in the body of the report. By Court. The explanation was that I was writing with my notebook on my handbag in my lap as we had no table given us. The Book must while writing have slipped from my hand so instead of setting it right and beginning again on that page I began with the immediately available blank column. To accused. That column is on the same page on which I have left blank in left hand column. My instructions were to attend the meeting and report the whole proceedings. The audience consisted mostly of mill-hands. At the Lenin Day meeting Lalji Pendse also spoke. I send in my reports by my servant, or sometimes my sons. I gave him no letter along with the report. I sent it in a packet unsealed, that is I sent the notebook and transcription. Don't recall to whom it was addressed, an officer of C.I.D. The headnote before Nimbkar's speech in P. 1690 is from my own head, and was written after the meeting. Note:—Witness was asked to read a portion from the beginning of Nimbkar's speech Exh P. 1690 N. There appeared to be scarcely any tangible relation between the notes and the transcription given by the witness Exh P. 1690. At best it can be said that they tally occasionally. By witness:—In my note of Nimbkar's speech at the beginning I find mention of the name of Dange. There is no other proper name immediately after Dange's. I cannot offer any opinion about the marks in the next line after Dange, whether they are outlines or not. The next line after that means 'Germany 6/7 years' (Germany suggested by Court reading transcription). The next line of outlines seems to be something about Communist Party. I find no mention of Lenin for 4 or 5 lines down in my notes. What I read in the line after Germany

may be Communist Party or anything else. I can't read the outlines or find the passage about small rooms, dark rooms etc.

(Sd) R. L. Yorke

9-9-30

Continued on, S. A. After the word Capitalism in line 32 on page 51 English version I cant read except odd words; I find the words America, and New York and Boston. It seems to run: "Look at America; there the people are worse than in India in New York or, something I cant read but guess as English people, "or Boston." I cant read the sentence after the word Republic lower down except the word 'Democracy.' I cannot read the whole sentence on top of page 52 beginning 'In Bombay etc'. but only odd words: it appears to be "there is money, there is wealth, there is ample wealth but in Bombay they had 4 lakhs," it looks like 7 lakhs after that, half starved . . . . . indecipherable... there are no houses.....then words like 3 lakhs or 3½, and after that I cant read. The word 'Khataras' lower down is written in Marhatti. I have seen many people in Bombay sleeping on footpaths. In my notes as a reminder for the coming of Lalji Pendse I merely wrote the Marhatti word 'Jai'. The note about his coming is from my own head. I judged the men to be Parel because the people on platform said, here are the people from Parel with Mr. Pendese. I cant read the next sentence after the words employers, capitalists and so on on that page. I cant read the sentence containing the word 'GO'. At top of page 53 where 14 hours a day is mentioned I have in notes 10, 12, 14 hours a day and soon after the Marhatti word for Thread ceremony. Nor can I read the sentence in which the word pilloon is. There is no other Marhatti word in that sentence. Soon after that I find a sentence running 'Government should be by the peasants and workers I The previous sentence is something about 'people's ownership'. The words meaning perhaps W. P. Kabadi in transcription of Mirajkar accused's 1st speech in Exh P. 1691 were my note and not in the speech or the shorthand notes. In my note of Ryan's speech I left 2 sheets blank. The red pencil mark was made here on those pages. To Court. The reason for the blank pages was that the pages stuck together so I turned over 2 at a time. To accused. In my notes of Ryan's speech at line 9 on page 36 English version I have got the letters NP and I transcribed it as N dash because I did not know the whole word. I could not hear it properly. A little after that I find the word Australia, or rather some sign which looks like it. In Mirajkar's final observations I find the words 'Dange was assaulted' but I cant read Evening News above it. I find something like it lower down. (Note: the outlines are very rough

indeed. Dange is readable because written in English.) I find Evening News clearly now. Mirajkar spoke in English.

On page 9 of my transcription Exh P. 1689 I added the name Pt' Jawahar Lal Nehru in margin afterwards as I found I had omitted it. At foot of page 10 I did not quite fill up the page but typed the words 'to be continued.' I often type my report in parts. To Court. The meaning of those words is that I did not finish overnight and left it with a note to be finished next day. I have visited the office of the Criminal Intelligence Department. I never received any instructions in regard to corrections to be inserted in reports.

By other accused. Nil.

REXXN. In testifying to these speeches I have relied on my transcriptions. I relied on them because I put them into the C. I. D. office. It is preferable to rely on the transcriptions rather than on the shorthand notes because in the transcription you get the whole thing clearly written. I found it easier to type the whole thing clearly when I was transcribing these speeches because the whole thing was fresh in my memory then. In Nimbkar's speech Exh P. 1690 I can't read any of the words preceding Dange at the beginning. Asked if assuming the marks in the line of notes following 'Dange' to have indicated a blank there was anything by which he could later have filled in that blank witness gave no coherent answer and apparently did not understand the question. To other questions the subsequent speakers were Dange, Adhikari and Lalji Pendse. Adhikari's name does not appear in my notes after Dange but it does in the transcription. That was because he came on the platform to address the meeting after Dange. I inferred that the person who did speak subsequently was the person who was to speak subsequently. The portion cut off page 17 of my transcription of P. 1690 was not cut off to conceal anything. What must have happened was that the page was torn in taking it out of the machine so I cut it and began again on the next sheet. Where I have used the expression that preliminary remarks about a meeting or headnotes are out of my own head I mean that they are merely a statement of what happened which I wrote later and had not included in my notes at the time. The elaboration of the word 'jai' is similar. (P. 1690P) The phrase meaning perhaps Mr. W.P. Kabadi in P. 1691 is an elaboration of the shorthand notes made by an inference from my personal knowledge. I have tried to decipher my shorthand notes in the course of cross-examination. In one case I mentioned the words 'Communist party'. I am not certain those words are there. That also applies to many of the attempts I made to make out words.

To Court. In taking shorthand notes by translation as in the case of Nimbkar's Marhatti speech I try to take a full note of the translation. I do not in such cases get as full a note as I get in taking down direct from English. In such cases I transcribe the words actually in my note-book. I dont amplify but leave the thing as it stands in transcribing.

Read and admitted correct.

'Sd). R. L. Yorke

10-9-30

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## P. W. 181

*U. G. R. Sirur on S. A. No. 171 in Lower Court. In English, age 23 years.*

I am a shorthand reporter to the Times of India, Bombay. On 21. 4.29 I attended a meeting near the Railway Station at Dadar under the auspices of the Youth League Dadar. I was sent by the chief Reporter of the Times of India. At that meeting I reported a speech of Hutchinson accused. That is he in court, pointing him out. I took the speech in short-hand which I transcribed on the following day while the matter was fresh in my mind. The speech of Hutchinson accused is correctly recorded in the transcription. Exh P 1507 N is my shorthand note of that speech, and Exh P 1507 is my transcription. The portions in longhand in ink in this transcription are in the hand-writing of Deputy Inspector Chaudhri. I went and handed my transcription to him and I read over my notes to him and he followed in the transcription and put in those words where they were required because of omissions. The transcription as it now stands represents what Hutchinson accused said. At the meeting Deputy Inspector Chaudhri met me and asked me to give him a full transcription of the speech. I was only sending a summary to my paper.

XXN. For Joshi and others. I received payment from Deputy Inspector Chaudhri for the transcription which I supplied to him. I have worked for the Criminal Intelligence Department once or twice before. I had taken permission from the Assistant

Editor, a general permission, on another occasion. It was permission to give a transcription to the Criminal Intelligence Department if they wanted it. I did not require a verbatim report for my own paper. I delivered my notebook along with the transcription to the Deputy Inspector. The writing on the outside of the notebook is not mine. I delivered the notebook to the Deputy Inspector not on the day of the meeting but probably the next day or the day after that. There was no police reporter at that meeting that I know of. Note:— In reading over witness added "apart from Mr. Chaudhri." I dont often meet Deputy Inspector Chaudhri but I used to meet him occasionally. I have not seen other writing of his apart from what is in the transcription. This note-book does not bear my initials or signature anywhere. I dont remember anything about Hutchinson's speech now. I dont know if I can transcribe these notes now. It is difficult to transcribe a note after a long time. At the time one is helped to some extent by memory. Exh P 1507 does not bear my signature or initial anywhere, or writing or any date of transcription or submission. I had given besides this at the same time speeches of other speakers. This notebook only contains notes of speeches and not the date, place etc. of the meeting. That is the signature of Deputy Inspector Chaudhri on the back of the page on which Exhibit number P 1507 N is written. Dont know if any other reporter besides myself of the Times of India works for the Criminal Intelligence Department. I dont know if any report of this meeting was published in the Times of India, but volunteers it was published in Evening News for which also I work. Only a summary was published. That was prepared by me.

By Nimbkar accused. I am working for the Times of India since 1926 I think. I take my daily orders from the Chief Reporter. The Asst: Editor sees those orders. There is a diary in our office of the daily engagements of the various reporters. The duty of reporting this meeting was assigned to me that day in the diary. My father is also a reporter of the Times of India. I reported some of the strike meetings for the Times of India in 1928. My father also reported some. I dont know whether my father received a summons to appear in the Lower Court. I know he came to Meerut, while the case was in the Lower Court. I reported the proceedings of the Riots Inquiry Committee for the Times of India once or twice. Its proceedings were all along published in the Times of India. Some other reporter reported them when I did not. The evidence of Mr. Hotson given on Tuesday July 16th 1929 and reported in the Times of India dated July 18th 1929 Late Dak Edition was not reported by me. (Copy tendered by Nimbkar accused marked for identification D 386.) Some

times my father reported, and sometimes Mr. K. K. Balam. Since I have been on the Times of India I have attended many Bombay Provincial Congress Committee meetings. I think Joglekar accused was one of its secretaries in 1927. Nimbkar accused was also the Secretary at one time probably in 1928. I have seen as many as 50 meetings at a Bombay Provincial Congress Committee meeting. It sends 7 members to the All India Congress Committee. I know that Nimbkar, Joglekar and Dange were among those 7 members at some time. I was present at a Bombay Provincial Congress Committee meeting when some amount was sanctioned for Anti-Simon Committee propaganda. The Bombay Provincial Congress Committee arranged some public meetings prior to the arrival of the Committee which I attended. They were in all parts of the city. The Congress declared a hartal for 3rd February, the day of the Committee's landing. I don't remember attending any of the demonstrations or meetings that day.

(Sd.) R. L. Yorke.

10-9-30

Continued on S. A. XXN:—

During the last 4 years Mrs. Sarojini Naidu has been president of the Bombay Provincial Congress Committee. There was a Labour Sub Committee of the Bombay Provincial Congress Committee among other sub committees in those years. In 1927 and 1928 the Bombay Provincial Congress Committee celebrated or co-operated with others in celebrating Lenin Day. They usually celebrate the Gandhi, Tilak and Das days. They also celebrate the Afghan, Egypt and China Independence Days. I have attended some Bombay Provincial Congress Committee meetings held to protest against the Public Safety Bill. A meeting was held under the auspices of the Bombay Provincial Congress Committee to congratulate Spratt accused on his acquittal which I attended in November 1927. I was present at a meeting of the Bombay Provincial Congress Committee when a sum was voted for relief of the Strikers in 1928. The strike meetings I attended were probably in April 1928 but I can't be sure of the month. I remember it being said that the 3 loom and 2 frame system's introduction was the cause of the strike in the Sasson group of mills at end of 1927 and beginning of 1928. The strike fizzled out and was not called off. I know that relief was being distributed by the strike committee for a long time during the strike. To Court. I myself never saw it being distributed. To Accused. I saw volunteers collecting funds for the strikers. I reported the visits of certain delegations of strikers and strike leaders to the



Secretariat for conferences, for the settlement of the strike. I was present at a Mayday Meeting in the Marwari Vidyalaya Hall in 1927 or 1928. (Accused asked the witness a very large number of questions as to whether he had attended this or that meeting in the last few years; these being all introductory questions and answered in the negative were not recorded).

In submitting my reports to the Sub Editor I dont put any headlines. I dont know anything about G. M. Jadhav whose name appears on the article entitled 'The Spark' published in the Times of India dated 11. 6. 30 (marked for identification D 387).

At the Dadar meeting to which I have deposed Mr. A. R. Bhatt and Mr. Mehrally of the Youth League also spoke. By Joglekar accused. No record of the notebooks supplied to us by our office is kept and we have not got to return them. I did not make the marginal marks and underlining in red and blue pencil in my transcription. On fifth page of the transcription half a page is left blank. To court. The probable explanation is that there were typing mistakes in the 1st 4 pages and I retyped and in retyping the typed portion came over to this point. To accused. None of the page numbers, pencil, in the transcription P 1507 are mine. I was a member of the Journalists Association, but am not so now. It was not because of any objection by my superiors that I ceased to be. I dont come into contact with the printing workers of the Times of India and know nothing about their conditions of work. By Hutchinson accused. Deputy Inspector Chaudhri put in the omissions in the transcription under my own eye: we were sitting together. I did not after the transcription alter the original notes at all to make them tally with the transcription. (Witness was asked to read 4 lines at top of page 86 English version which he did successfully.)

In the original transcription I had omitted the words 'army of the' and the next sentence. Probably it was because these words were at the bottom of the page of notes. Witness also read the sentence on page 85 'he went to London etc' successfully. In that sentence in my notes 'George' is by itself, unqualified.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/ R. L. Yorke.

12.9.30.

## P. W. 182

*Inspector B. Derojinsky on S. A. No. 64 in Lower Court.  
In English.*

I am an Inspector in the Special Branch of the Bombay Police for over 7 years. I am a Russian by Birth. I know the Russian word 'Iskra': it means 'spark' I know the accused Bradley in Court and I arrested him on 24-3-29 at Grant Road Railway Station in Bombay. I had the warrant for several days before I executed it. Exh P. 635 is that warrant. I had also a search warrant for his belongings. On March 20 I searched his belongings which were kept in the office of the Peasants and Workers Party in Bombay. That search was under the authority of warrant Exh P 641. For that search I was accompanied by 2 search-witnesses Chandramukhlal Bhagwan Dass Shroff and Narain Bikhora Dadakar. This baggage of Bradley was found in the room off Sandhurst Rd. which was used as the office of Workers and Peasants Party. The baggage I think consisted of 2 or 3 suitcases. The property was pointed out to me by Ghate accused. (Mr Sinha objects to this evidence. The Court holds that section 27 Indian Evidence Act clearly covers the evidence). I prepared a search-list Exh P 642 and signed it myself as did the 2 witnesses. That searchlist is a correct list of the property seized in that search. All the articles seized were initialled by me and by the witnesses. In this search the following papers and documents were recovered: Exhs P 643 to P647, P650, P651 P 653, P 654 and E, P.656, P658, P659 P661 to P 670. At the time of Bradley's arrest on 24th I searched Bradley's person and baggage in the presence of Mirzban Rustom Jee Hawelewala and Rahmin Ibrahim and prepared a searchlist of body-search. Exh P 636 signed by me and by the witnesses. On Bradley's person I recovered among other items Exhs, P 638, P 639 and P 640. (Mr Sinha objects to these 3 items on the ground that there was no warrant for the search of Bradley accused's person. (Objection noted). In April 1926 I was not in Bombay. Exh P 671 is a passenger list which I obtained from the P and O office in Bombay. It contains the name of Mr. D. Campbell. I knew Mr. D. Campbell because he was prosecuted in Bombay for disembarking there on a forged passport. His proper name was George Allison.

Exh P 672 is a passenger list of the P and O. S. S. Ranpura which arrived at Bombay in September 1927 containing a number 377 Mr. B. F. Bradley. That list I produce from the records of my office. Exh P 673 is a letter which I received on April 26th, 1929 from Mr. Sandwell. In that letter was enclosed Exh P 674 the typewritten document. Exh P 673 E is the cover in which these

2 papers were sent. The book Exh P 2500 shown to me is entitled 4th Congress of the Profintern; edition of the Profintern Moscow 1928.

XXN. By Bradley accused. The document Exh P 674 was not typed by me, nor drafted by me, nor typed or drafted by any of my friends in my presence. I never signed any document as M.N. Roy. I had never written any documents supposed to have been written by Communists or suspected Communists. The pencil figures at the side in P 674 were not written by me. I cannot say what the typed figures in the body of the letter mean. I am of British nationality now, I became naturalised about February 1929. I had no knowledge of the proposal to start this particular case when I was naturalised. I was in Russia before the Revolution. There was an Institution called the Okhrana or Political Police. I am not intimately acquainted with its objects but have only heard of its existence. I dont know if certain Trade Unions were organised under the protection or direction of the Okhrana. I was never connected with it. I never received any financial assistance from it. I was in Russia when the 1st Revolution broke out in Feby 1917, living there. I was living on private income. My parents supplied me with money. I did not participate in the Revolution on either side. I was also in Russia during the period of the October revolution. I left Russia in January 1920 I think. I was living in the Soviet regime till August 1918 and after that in the White Regime. I did not know any English officials in Russia. I did not sympathise with the October revolution. I did not go back to the Soviet territory before leaving Russia. After leaving Russia I went first to Greece. I did not know a Captain Lockhart in Russia in 1918. I have no personal knowledge whether British money and munitions were used to support the Russian Whites, I had no passport when I left Russia. After leaving Greece I visited Egypt and Constantinople. I had a certificate of identity which I obtained in Egypt probably from the Passport Controller or something like that, the official who controls passports there. I am not in a position to state what the authority was of the officer who issued me the certificate. I had been residing there a few months when I obtained it. I came to India in 1923.

By Bradley accused Continued. I was first working with a commercial firm and afterwards with the British Police in Constantinople, during the the period between 1920 and 1923; I was working 2 years in Police at Constantinople before I left. I had not been in touch with the police in Egpt. I had no connection with the police before I joined them in Constantinople. I came to India to see the country. On landing in India I was asked for a passport. I produced a certificate of identity, not a passport.

I visited different places in India such as Delhi, Jaipur or Jodhpur and a few others. I got in touch with the police a few days after landing. A policeman called at my hotel in Bombay and asked me to visit the Deputy Commissioner. I am not aware of the Bombay police having any prior information about me. I did not inquire the reason for the Deputy Commissioner sending for me. The Deputy Commissioner did not give me any reasons but asked me a few questions. He asked me on finding that I had police experience whether I was willing to join the Bombay police. Before offering me the post he saw certain papers which I had. They were letters of introduction, including letters from the officer in charge of the Constantinople police but not addressed to the police here. It is possible that I have seen letters written in Russian in the course of my duties but I don't remember any particular instance. I have had occasion to use my knowledge of Russian in my duties, talking to people who could not talk English and sometimes perusing Russian books. I don't remember ever having done any actual translating though I gave the result of my perusal in English. I have never fabricated any false letters on behalf of Government in Russian or any other language. I went straight into the Special Branch of the Police. I do any work assigned to me by the Commissioner of Police which is consistent with law. I should not say my general work was of a political character. I read through the warrant to search Bradley's belongings which I received on 20th March carefully. In order to carry out that search I went to the office of the Workers and Peasants Party. I had information that he belonged there. I don't know how long he had been staying there or his belongings had been there. I went there accompanied by a police party. I can't now give the number 2 or 3 or 4, not armed police. No resistance was expected. I was accompanying another C. I. D Inspector who had a warrant for the arrest of Ghate accused and for the search of the Workers & Peasants Party Office. I acted after he had arrested Ghate and commenced his search. I was accompanied by a sergeant. I don't remember if any other police officer came along at any time during the search but I think the Deputy Commissioner of Police visited the place though I don't know whether he came into the room. I don't recollect having received any instructions attached with the warrant. I can't say whether there were any books of poems amongst Bradleys' property. I don't remember anything else accompanying warrant Exh P 641. To Court. I probably had seen the instructions such as are attached to warrant Exh P 1292 but as I knew pretty well what was wanted I did not pay particular attention to them. (NOTE: Exh P 641 has no copy of the instructions with it now). To accused. I wrote the list Exh P 642 myself. I know a Mr. Sandwell. I came to know Mr. Sandwell

on account of Bradley accused's association with him. I came to know after Bradley accused's arrival in India, some time after. I know that he had a boarding house. He never to my knowledge did any work for the Criminal Intelligence Department or supplied any information except in connection with Bradley accused. I do not know if he has received any money for his services to the police. I asked him to give me information about Bradley accused. He did not give me information about Bradley accused periodically or at all unless he was asked for it. I think I have asked Mr. S. to call at the police office, once or twice. The police certainly took a certain interest in Bradley accused's movements. My department sometimes collected information about them; I cant say whether the records can be produced from the department. I believe there are some papers about Bradley accused in the department. I never visited Mr. Sandwell at his place, nor at the Apollo hotel. Neither I nor anyone working under me does the work of intercepting letters.

In order to arrest Bradley accused I went from one of the stations north of Grant road. I travelled up the B.B.&C.I. line to meet him. I had information he was coming to Bombay, from police sources. I am in the Department which deals with passports generally, passenger lists etc. I can sometimes distinguish a forged passport. Sometimes the police are forewarned of the arrival of persons. I cant tell you where this information comes from passports are usually stamped to show they have been checked. This stamp is a dated stamp. I have known cases in which permission to land has been refused. I dont remember any case of a British subject being refused permission. I dont remember the case of a Mr. Strudwick being prevented from landing. In Exh P-672 I dont remember any inquires being made about nos 345 L.A. Baig or 350 M. Ellis.

In this search the following papers or documents were also recovered. Paper marked for identification D 388 to D, 406.

For Joshi and others. I took no part in the investigation of this case, that is in the technical sense of an investigation under the Criminal Procedure Code. I had seen Mr. Horton before March 20th 1929 once or twice, probably once. It was in January or February in Bombay. He may have asked me a few questions. I have in the course of my duties seen other documents connected with Communists apart from those I have proved here. Some were in English and some in other languages. I was never placed on special duty with the Government of India in 1928. I have had to pass examinations in the Criminal Law of India, and have read the Criminal Procedure Code. I have executed other warrants in the course of my duty besides the warrant for Bradley accused's

arrest and house search. I understand that warrants are given in the form prescribed by the Criminal Procedure Code. I did not notice whether there was any thing unusual in Exh P. 641. I received that warrant sent to me by the Commissioner of Police. When I received this warrant I did not make any inquiry about this Bradley because I knew one Benjamin Francis Bradley, and the name in the warrant was Benjamin Francis Bradley. I did not make any inquiry as to what house I was to search because I knew the house where Benjamin Francis Bradley kept his luggage. I had known it perhaps a week, perhaps more. I learned that Bradley had left Mr. Sandwell's house a day or so later. I cant say how long it was before his arrest. I did not go to Sandwell's house after I heard Bradley had left it. Possibly I sent someone but I cant say. I cant remember who it was who gave me the information of Bradley's moving. I had not visited the house where I found Bradley's property before that occasion. Before I made that search on March 20 I did not send any officer to make any inquiry about Bradley accused from the inmates of that house. I dont recollect receiving a report that Bardley was living at that house. I never personally watched Bradley accused's movements. I have not myself seen any officer watching Bradley accused's movements. I do know the names of persons who have watched Bradley's movements. I claim privilege in regard to disclosing them. I think it was in the end of 1928 or beginning 1929 that I first asked Mr. Sandwell to give me information about Bradley accused or rather questioned him about Bradley. I had asked him to call and then asked him several questions. I knew of Sandwell but did not know him personally before I asked him to call. I did not make any personal inquires from Sandwell after I came to know that Bradley had left his boarding house. I dont remember having given Sandwell any specific instruction to send me any information he might get about Bradley. On receiving the letter Exh P 674 I sent for M. Sandwell as well as his 2 servants or perhaps 3 servants and questioned them about how this letter was discovered. I think I took the statement of Mr. Sandwell and one servant, the statement of the other seeming to be irrelevant. I showed these statements to the Deputy Commissioner Special Branch for his orders. I think I got them back. They may be still in the file of my office. I cant say for certain as I dont look after the files personally. I did not go myself to see the place where the letter was said to have been found nor did I send any one else to do so. I made no inquiry beyond taking these statements and questioning the other servants. On receiving the letter I telephoned the Deputy Commissioner of Police about it. In reading over witness said, I informed, not telephoned I was in office and so was the Deputy Commissioner. I did not keep it with me but in the office. I was probably in charge of it.

I was in charge of it for several days until it was sent away. It was not sent away by me but by the Deputy Commissioner. No attempt was made in my office to my knowledge to decipher the figures in the letter. I searched the baggage of Bradley accused at the time of arrest because according to law I have the right to search the person and belongings of a person arrested. I have some knowledge of German and French. I learned German in Russia. I learned it at home and at school. I can read German in both Gothic and Roman characters. I can read and understand German newspapers. The title on the cover of Exh P. 1191 is in German. I dont know the word 'Konsum' but the rest of the title means Trade Unions in the union of Socialist Soviet Republic. I do not know all the technical expressions in sociology and cant say whether Gewerkschaften means Trade Unions. I cant say whether Genossen Schaften does not mean Cooperatives. The author is described in Russian on the title page as Director of the propaganda of the zentrosojus, which is an institution similar to ARCOS. The word bildung also has the meaning education when standing by itself: Aracos was a department dealing with trade, but I dont know the words for which the initials stand, and therefore dont know the meaning of the individual words. I came to know of its functions from books, newspapers, conversations etc. I have never been attached to Arcos. I had never any personal dealings with Arcos. Zentorsojus is the name of a Government department or Government insitution. It was the predecessor of Arcos to the best of my knowledge. I cant give the equivalent in English because I dont know of anything that corresponds in English. I have never had any direct dealings with the Zentrosojus either. The literal meaning of the Russian word is Central Union.

The witness is shown the last page of the same exhibit. It is in German and the heading is Contents. The next item is Preface. Chapter 1 is 'the first beginnings.' Chapter 2 is 'the present position of the Konsum-genossenschaften in the system of soviet economy.' Chapter 3 is the 'structure of the Konsumgenossenschaften in the system of the Soviet Union.' Ch. 4 is the 'Konsumgenossenschaften in rural parts.' Ch. 5 is 'The Workers Unions.' I am not quite certain about this. Ch. 6 is 'the creation (or working -up) of Unions.'

Ch. 7 is 'the Zentorsojus'. Ch. 8 is the 'production by the Konsumgenossenschaften' which I now remember is the Cooperatives. That being so the title of the book is the Cooperatives in the Union of Socialist Soviet Republic.

The title of the book Exh P 1192 Die landwirtschaftlichen genossenschaften in der Sowjetunion means to my mind' the

collectives working on land in Soviet Russia' or 'Collectivism in farming in Union of Socialist Soviet Republic. I would regard Agricultural Cooperatives in the Union of Socialist Soviet Republic as a possibly correct translation. Genossenschaften corresponds to Collectives. I dont know the exact technical meaning of the terms and cant say whether my efforts to translate the title are more correct than the one I said was possibly correct. Exh P 1177 is called Agrar-problem or the Agrarian problem, and is according to the cover issued by the international Agrarian institute in Moscow The paragraph on inside of cover I would translate as follows:" As Introduction. The journal or publication Agrarprobleme is the organ of the International Agrarian institute; whose headquarters are in Moscow. This institute's aim is the elucidation of questions of farming economy, of agrarian politic and agrarian legislation of the peasants and farm labourers movement. Out-Distinguished scientists of diferent countries take part in this journal". The passage in para 2 of page 222 runs as follows: 'Many scientists of different countries approach the institute with different questions regarding materials, regarding agriculture of different countries. Professor Charles Guide requested for some material on the Russian peasants community of the Postrevolutionary period. The Swedish professor.....asked for materials concerning forestry. Professor.....wanted material about the position of agriculture in the USSR for the last 10 years..... The heading of that chapter is 'The inter Agrarian Institute in Moscow and its work during the last year.'

Exh P 1183 is entitled 'German Peasant War' by Frederik Engels. The book shown to me (item no 88 of Exh P 435 from accursory examination appears to be a translation of Exh P 1183. Exh P 1193 is entitled 'The 18th Brumaire of Louis Bonaparte by Karl Marx. The book shown to me item 105 of Exh P 390 appears to be a translation of that book.

Exh P 1179 is entitled Civil War in France by Karl Marx. The book shown to me (item no 106 of Exh P 390) seems to be an English version of that book.

Exh P 1185 is entitled Materialism and Empire Criticism or Critical remarks about reactionary philosophy by Lenin and item to 35 of Exh P 390 shown to me appears to be a translation of that book.

(The above items marked for identification D 407 to D 410 and returned to defence who under take to produce them whenever

Sd/ R. L. Yorke.

13. 9. 30



Continued on S. A. I believe I did translate some letters in German intercepted during 1928 and 1929. I can't say how many, not many. Such letters are sometimes sent to me for me to go through. I went to Constantinople in 1920, and left it in 1923, and came direct to India. I did not go to Germany between the time I left Russia and the time I reached Constantinople. There were no ranks in the British police in Constantinople. I was officially attached to them. I was not in the Secret service. I got the job after I had been there about 8 months or so. I was never naturalised as a Turk. I got the certificate of identity in 1920. The Egyptian authorities did not require me to produce any certificate of identity so far as I remember. I had left the police before I left Constantinople. I obtained a further certificate of identity there. No trouble was created in connection with my landing. I was called on within one or 2 days. That was the meeting (the one to which I was then called) at which I was offered a post. I had no passport when I left Soviet Russia. I did not apply for a passport in either Soviet or White Russia. I was in Petersburg during the 1st revolution and in Moscow during the second. I was probably in Moscow in November 7th, 1917 (old Russian Calendar). I don't remember if the 2nd All Russian Congress of Soviets met on that day. Nor can I remember on what date the Soviet Government was proclaimed. It was in October of the Russian Calendar then in force so far as I remember. Before that date the Army and Navy were not under actual control of anybody. The Soviets had not declared regular army before their Government was proclaimed. I can't say how many days intervened between the fall of Kerensky's Government and the proclamation of the Soviet Government. I am not competent to give an opinion on the economic condition of Russia under the Kerensky Government. Throughout the time between the 1st and the 2nd Revolution I was either in Moscow or in Petrograd. There was a paper called Pravda, the organ of the Bolshevik party. The literal meaning of Pravda is Truth. There was also a paper called Izvestia. It is an abbreviated title. 'Izvestia' means News. I was never called upon to answer as a Bolshevik spy after I left Russia.

I was not myself searched by anybody when I went to the office of the Workers and Peasants Party on March 20, 1929. Nor were the witnesses who went with me. I did not offer myself for search, nor did the witnesses.

By Dange accused. I cannot say but it is possible I might have been given a report of World Congresses held in Moscow to report on early in 1929. Zentrosojus came into existence after the Revolution. Witness shown an advertisement of Zentrosojus in Soviet Yearbook for 1928 said; There may have been a

'zentrosojus' before the Revolution but it was not the same as it was afterwards. I did not take any part in the Great War in any way. I was studying then. I was not opposed to the Czarist regime. I did not do any propaganda in favour of the Kerensky Government. I don't remember if I did any against it. I did not fear. I knew that my property was going to be confiscated after the October revolution. I had no special fear that that might happen after the February revolution. I certainly do not approve of the Soviet Government. I never tried to return to Soviet Russia. I am not prepared to say whether I have relations still in Soviet Russia because if I had the answer might be dangerous to them. I would not return to Russia if I were allowed to do so. (Crown Counsel says that he is prepared not to object to any argument which defence may put forward that this witness has a political bias to the extent that he prefers the old regime to the present one in Russia).

By Usmani accused. I was not a member of the organisation known as Union of the Russian people. Derojinsky is my real name. I have never passed under the name of Abramoff, or Issac; I had been living in Novorossisk, in General Denikin's territory. I left there in a steamer called the Panama, probably a British ship. I don't remember having told him anything at all. I cannot say how the Captain allowed me on board; that was his business. There were no bandits called Makhno in Russia. It is a proper name and not a name for bandits. I don't remember having seen any Indians in the British police force in Constantinople. I never met any Mustafa Saret. I don't remember ever having seen Sir Esmond Ovey. I have not been away from India during the last year. (Witness was asked by the accused to translate from the Russian Exh P. 2500 the first paragraph of the chapter beginning on page 50 of the English version of the same report Exh P. 2369. This he did with great apparent success). His translation tallying closely with the English version in the latter Exhibit.

By Nimbakar accused. I said in the Lower Court. I got no official passport to leave Russia; I showed a typewritten German document to the Comrade and he thought it was a passport. In the Lower Court I said in answer to a question: that when I landed in India I had a certificate of identity issued at Constantinople. I was then not a Russian subject nor had I naturalised as a Turk. The question I had been asked in the Lower Court was with what passport I landed in India. I certainly did not mention the Egyptian certificate then. The reason was that the Egyptian certificate expired and I had obtained a new one, the old one being no longer valid for coming to India.

The words Narodnaya Volya mean either The will of the people or The liberty of the people. Rabocheya Delo means Worker's Cause : I have never seen a newspaper of that name. Vpered means Forward. I never saw a paper of that name. Dvornik means a Watchman; I never saw a newspaper of that name : that name could not be ascribed to a newspaper unless it was a Workmen's Trade Union newspaper. Novoye Slovo means New Word : I never saw a newspaper of that name. There is a word Zarya meaning Sunrise or possibly Dawn : I never saw a newspaper of that name. Rabocheye Mysl means Workers' Thought. I know no newspaper of that name nor of the name of Novaya Zhin or New Life, nor of the name of Ekho, or Echo, nor Golos i. e. the Voice nor Vizof i. e. the Call or Provocation, nor Nashe Slovo i. e. Our Word. I said in the Lower Court that I lived during the 3 years by selling property ... not openly of course or it would have been taken away from me. At the time when I was selling my property the laws were not yet definite so I cant say that I was not holding my property according to the laws of the land. The laws consisted of decrees issued from time to time. One could never know what the law really was. I was in Mascow until August 1918. I know there was a Council of People's Commissars soon after the Revolution. By selling property I meant personal property. I was not aware of any decree prohibiting the sale of personal property. There was a Winter Palace in Petrograd. It was never a Museum in my time. I dont remember ever having seen the decree reproduced on page 308 of Exh. P.89 on the abolition of classes and Titles. The reason I sold property not openly was that any one selling property was taken to the Cheka which was not pleasant. The Cheka was a weapon of the revolution not exactly a Police service. It was a service which to some extent might have been controlled by the Soviet Government. It is not equivalent to the service in which I am working now. A man of the name of Derojinsky was head of the Cheka at that time. I do not know whether DZ. was a member of the People's Commissars without a vote.

I do not sympathise with the Soviet Government because the regime does not agree with me. (Witness was asked questions about his class affiliations which were disallowed as irrelevant) I was never sent to Jail by the Soviet authorities. The Soviet Courts were not public when I was in Russia. Question about the number of persons murdered in the October Revolution disallowed.

By Ajudhia Pd. accused I dont recall the date or month in which D. Campbeli was deported. I had previous knowledge that he was to be deported. I saw him on to the steamer when he

left. I did not hand him over to anybody's custody. He was not in custody while in transit from the Jail to the ship. I accompanied him. He talked to me. I don't remember his asking to see a solicitor. My office arranged for his passage. I don't remember the name under which he signed on the ship. I have no knowledge whether a passport was issued for him in a false name.

By Muzaffar Ahmad accused. I was originally appointed a sergeant in the Bombay police. I can't say whether verification of my character was made. I don't know whether there was in 1923 and still is acute unemployment in India and England. I was naturalised under the Imperial Act passed by parliament. Since appointment I have been in the Special Branch with the exception of 6 weeks. Shortly after my appointment I was attached to a police station for those 6 weeks, the Harbour police station. I went there to see the local work of the station.

By Joglekar accused. I went with Cambell to see that he went on to the steamer. I don't remember if he wanted to see his friends in Bombay. When I was accompanying Cambell I had the knowledge that he had been served with a deportation order and had to go away. I don't remember having any orders to arrest him if he did not go the steamer. He was deported under the Passport Act.

I don't know who the Comrade was to whom I showed my passport so called when leaving Russia. I called him Comrade because that was how they were known. That was in 1918, for Soviet Russia. I don't remember what the German document was it may have been a letter I received or one I had written. I was asked for a document and showed this document. I simply showed it to the Comrade. I did not tell him anything. At the time of embarkation from White Russia I had no certificate of identity.

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Continued on S.A. By Joglekar accused. I accepted the offer of a post in the Bombay police after about a week. I had no certificate from the Government of India Criminal Intelligence Department when I visited the Commissioner of Police Bombay, or at any time. I did go to Simla then but not to get a certificate from the Government of India C.I.D. I began my service after my return from Simla. I had not accepted the offer before I went to Simla. I had said I would consider it. I think I was one day in Simla. I was one day in Delhi I was 2 days in Jaipur or Jodhpur. My department deals with recommendations for passports which come through the Police. My department has not the power to

sanction or otherwise the giving of passports. It is not on the recommendation of my department that passports are issued in all cases. A person can get a passport in Bombay without any reference ever being made to my department. People who don't know any Justice of the Peace come to the Police for passports. It is possible for the Government to refer the case of any applicant to the Police for a report on the applicant. I do not decide which are to be sent to me. It is not in our discretion. I should not say that the passport which come for report are generally these of persons taking part in political activities. Persons having regular passports are not ever prevented from landing to my knowledge. I went from Novorossisk to Salonika. The passage was arranged for me. I did not arrange it myself. It was I believe arranged by the authorities of the Hospital in which I was at the time, recovering from typhus fever.

By other accused. NIL.

REXXN. The Deputy Commissioner of Police wanted to see Mr. Sandwell and I took him to the Deputy Commissioner with his statement.

Read and admitted correct.

Sd. R.L. Yorke,

16. 9. 30.

The accused do not now wish to cross-examine the search witnesses of Bradley accused's search, P.W.65 and P.W.66 of the Lower Court. They are accordingly discharged.

Sd. R.L. Yorke

17. 9. 30

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## P. W. 183

*Deputy Inspector Prabha Kar Waman Raje on S. A. No. 81.  
In Lower Court. In English*

On March 20, 1929 on the authority of warrant Exh P 774 I searched the office of the Girni Kamgar Union, Nagu Sayaji's Wadi Branch, in Parbha Devi Road, Bombay. I was accompanied

by search witnesses Devji Harchand and Atmaram Lakshuman. I found the office locked and sent for Alve accused and with his consent the lock was broken open. I sent for him because I understood him to be President of the Union. I seized a number of documents found in that room and prepared a searchlist of those documents Exh P. 775 which I signed myself and got signed by the Panches. I wrote the list or panchnama myself. I and the witnesses all signed the articles seized. Exhs P 776 and P 777 were found in this search. Some of the articles seized were not signed; sometimes no body signed them and sometime either I or the witnesses failed to sign. All these copies of Kranti in P. 777 are of one date 9-9-29.

For Joshi and others. The ordinary pencil writings in the search-list are not by me. The group photo was framed as it now is when it was recovered. It was in undamaged condition then (Note. It is now somewhat damaged by white ants but includes photographs of 8 accused). I seized this photo in accordance with item 3 of the instructions attached to the search warrant. No other instruction was given as to what was meant by 'individuals'. I seized all the photographs I saw there. I am in the City Police. The place searched was not within my ordinary jurisdiction but I was deputed to make the search. There was no branch of the Girni Kamgar Union within my ordinary jurisdiction at that time.

(Mr Sinha says he is instructed that Girni Kamgar Union was a registered Trade Union and puts forward the same objection to evidence about it which he urged in the case of the East Indian Railway Union in the Bengal evidence. The same objection it is stated will apply to the searches of all the Girni Kamgar Union branches).

By Alve accused. I have been in Police department for the last 10 years. I have been a Deputy Inspector since 2 years. In 1927 I was stationed at the Esplanade Police station, and in part of 1928. I know Alve accused for the last 3 years I think. There was some General Mill Strike in 1924 or 1925 I dont know if there was one before. Dont know how I first came to Alve. Subsequently I came to know him as a Labour Leader. I never attend meetings.

By Nimbkar accused. Before I carried out this search I was searched by my search witnesses, or panches. Between April 1928 and March 1929 I was at Esplanade and Pydhoni Police stations. I was sent on strike duty twice or thrice, to some mills or some cross-roads (naka). I dont remember where. I was never a witness to any violence during the strikes. During the 1929 riots I was stationed at Pydhoni. I was sent on duty for the oilstrike at Ghorupdeo. I was never at Sewri. I dont know any of the details

of the strike at Ghorundeo. I was merely on street duty, one day a week for 2 or 3 weeks. There was no trouble where I was posted.

By other accused. Nil. Witness to be recalled tomorrow for proving documents recovered in this search.

(Sd.) R. L. Yorke.

17-9-30

XXN. On S. A. Continued for Joshi and others. (The exhibits were seen during the lunch hour today.) In the course of this search I recovered the file item No. 42 of my searchlist which is now before me. This file contained a number of letters from the Century Spinning and Manufacturing Company Ltd's General Manager to the General Secretary Bombay Girmi Kamgar Union. Papers marked D 411 and D 412 were in that file at the time of recovery. Item no 47 before me is another file recovered in this search. It contains letters from the Bombay Dyeing and Manufacturing Co. Ltd., Textile Mills to the General Secretary Bombay Girmi Kamgar Union Nagu Sa'aji Wadi centre. D 413 is one of those letters and was in the file at the time of recovery. D. 414 and D 414 A are the register item 18 of my searchlist and one of the loose papers mentioned as being with that register. They were recovered in this search by me.

REXXN. Nil.

Read and admitted correct.

Sd. R. L. Yorke.

17. 9. 30.

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## P. W. 184

*Atma Ram Larman No 82 in Lower Court on S. A. In Marhatti translated by Mr. Abhyankar official interpreter.*

Tendered for cross-examination only.

XXN. By Alwe accused. Before I was called to the Girmi Kamgar Union search I was in my shop. I was called by Deputy Inspector Raje. I searched Mr. Raje before entering the

room and found nothing. Alwe accused was present while the search was going on. I am manager of a shop, for the sale of biddis. The shop is near the office of Girni Kamgar Union, in the same chawl. The shop has been there for 7 or 8 years. I have been there nearly all that time. I have no friend or relation working in the mills. Some meetings of workers were held near my shop during the last 2 to 4 years. I could not hear from my shop what was said in the meeting. I saw grain being distributed to the workers in 1925. I saw relief being distributed in 1928 also. I know Alwe accused 5 or 6 years. I saw Alwe working in the strikes of 1923, 1925 and 1928 distributing relief holding meetings and the like.

By Nimbkar accused. From my shop one can see everything going on in Nagu Sayaji's Wadi, but if there are customers in the shop one cannot do so. For 4 or 5 months in 1928 there was a grain distributing centre in this Wadi and grain was being distributed. For a long time grain was distributed twice a week but towards the end of the strike once a week. Some 3000 or 4000 used to come each time for grain, both men and women workers. Workers complained in my presence at the beginning of the strike that police harassed them. This Wadi was known as the workers' centre or Chhaoni. During the strikes I never saw any worker committing any act of violence or incendiarism. I was there during first 3 months of the 1928 strike and after that I went to my village out of Bombay. I returned in October or November 1928. I was in Bombay at the time of the 1929 riots. Mills were working during the riots. I don't remember seeing any handbills purporting to be issued by Union leaders. By Jogtekar accused. I saw Workers' meetings being held in the Wadi before 1928. Can't say if they were Girni Kamgar Union meetings but they were held by some Union.

By other accused Nil.

Reasn.—Nil.

Read and admitted correct. (Read over in English by interpreter who translated sentence by sentence.)

Sd. R. L. Yorke

17-9-30



# P. W. 185

*Sub Inspector N. K. Deshpanda on S. A. No. 84 in Lower Court. In English.*

I was a Sub Inspector and am now a Deputy Inspector of Police in Bombay. On 20. 3. 29 I searched the branch office of the Girni Kamgar Union in Sewri New Road opposite the Swan Mill. Exh P 784 is the search warrant which I endorsed and returned after execution. I was accompanied by 2 Panches Tukaram Sitram Putani and Atmaram Korgou. I found the office locked and opened it with a duplicate key. I searched it and recovered the documents recorded in Exh P 785. That searchlist or Panchnama is signed by me and by the witnesses. All the documents also were signed by me and by the witnesses. Among the documents seized on this occasion were Exhs P 786 and P 787.

XXN. For Joshi and others. We left behind some blank papers and books and some leaflets of which we had taken 2 copies. This office was not within my ordinary jurisdiction. I had never visited it before. The duplicate key was one of a bunch of keys I had with me. I made inquiries as to the person who had the key of the office but without result. I was searched by the Panches before I made the search.

By Alwe accused. From 9. 5. 24 to 13. 7. 25 I worked at Mahim Police station in the mill area. There are a few mills in it. I do not know Alwe accused. There was a strike at Mahim while I was there. I never attended any workers' meetings. I was not in the mill area during the 1928 strike.

By Nimbkar accused. The searchlist is in my own hand writing. It is correct. Items 41 and 71 relate to the Bombay Oil Co's Explosive Union. It should be Employees' Union. Exh P 787 is item 93 of the searchlist. This paper was found in a drawer of a table on the north side of the room. It was necessary to force the drawer open. I pasted a slip on because the paper was a little dirty and a bit torn. I see a little bit dirt on the reverse of the notice now. In 1928 I was at Pydhoni Police Station. In Feby: 1929 I worked in Lamington Road Police Station. The register and letter file marked D 415 and D 416 were also recovered in this search.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/ R. L. Yorke

18.9.30.

*Babu Atmaram on S.A. No 85 in Lower Court. In Marhatti tendered by the prosecution for cross-examination, interpreted by official interpreter on oath.*

XXN. By Alwe accused. I have never worked in a mill. Nor have I any friend or relative working in a mill. I dont know Alwe accused. There was an office of the Mazdur Sangh at a distance from my shop. I also know the Girni Kamgar Union office which was searched and did so before the search.

By Nimbkar accused. There was a strike at beginning of 1929 in the Oil Companies Tanks. I used to visit the Sewri Bazar while the strike was going on. The Koliwara where the fishermen live adjoins the bazar. I visited it very rarely. The Oil factory is situated near the Bazar and the Koliwara. I have seen Pathans near the Koliwara and Bazar during the strike. They came to work there. There is a maidan 65 paces from my hotel near Moon Mill where workers used to hold meetings. I did not actually see Pathans attacking oil strikers and mill-workers who had met on that maidan. I never saw any wounded persons passing by my hotel. Workers do come to my teashop. I came by myself but met S. I. Deshpande at the railway station. I travelled Inter class and Mr. Deshpande came 2nd class, in the same train. I have been in Meerut 13 days. I have been in Deshpande's company all that time. I have seen Inspector Desai in the witnesses' room during that time, but I am not acquainted with him. No one ever gave me any instructions as to what I should say in Court.

By Kasle accused. My teashop is opposite the China Mill. One mill is between that mill and the Swan mill. There is a big chawl of only one floor opposite the China Mill. I saw grain being distributed at that chawl during the 1928 strike. There are cart drivers' houses behind my teashop. There is a maindan beside those houses. The moon mill adjoins that Maidan. I saw 2 or 4 meetings during the strike on that maidan. The China mill continued not to work the some days after the strike was called off.

By other accused NIL.

REXXN. NIL.

Read and admitted correct. Retranslated into Marhatti by interpreter sentence by sentence.

Sd. R. L. Yorke.

18. 9. 30

# P. W. 187

*J. Scott Circle Inspector on S.A. No 106 in Lower Court.  
in English.*

I am Circle Inspector of Police at Bandra in Bombay. On 20.3.29 I searched the room of Lester Hutchinson accused at Bandra. That is he in Court (pointing him out). A Mrs. Nambiar was there. The lady whose photograph is shown to me Exh P 869 is that lady. I was accompanied by 2 witnesses Mr. Sawant and Mr. Khudadad Irani. Exh P 1018 is the search warrant on which I acted.

I got a search list prepared in Marhatti by my clerk and signed it myself and got it signed by the search witnesses. I also prepared a translation of the same searchlist Exh P 1019 T which is partly my work and partly that of a clerk.

In this search documents and books Exhs P 1020 to P 1023 and P 1025 to P 1043 were recovered in this search. Hutchinson accused was there himself at the time of the search. My signature appears on all the items of search. Some were in trunks and some on shelves in the room.

XXN. For Joshi and others. The paper marked P 1024 D Hutchinson was also recovered in this search. The translation of the searchlist was prepared immediately after the search in my office. Only the introductory portion was written by me and the rest by my clerk. I can read the Marhatti writing in the original searchlist. I could write the list myself but I did not find it necessary to do so. I forget the name of the clerk. He was a constable clerk in my office. I have not made any entry to show which articles were found in which place. I did not keep any note as to the precise place where each item was found. Item 20 was found in a trunk I remember. I don't remember where 10 was found. Twenty-one and twenty-two also were found in a trunk. In the case of 29 & 10 I can't say if they were found in a trunk or not.

By other accused Nil.

REXXN Nil.

Read and admitted correct.

Sd. R. L. Yorke.

18. 9. 30.

Prosecution tender witness No 107 in Lower Court for cross-examination. As Defence do not wish to cross-examine him he is discharged.

Sd. R. L. Yorke.

18. 9. 30.

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## P. W. 188

*Mahadeo Babaji Sait Deputy Inspector of Police. No 102 in Lower Court. In English on S. A.*

On 20-3-29 I searched the head office of the Girni Kamgar Union at Poibavadi in Parel. Exh P 946 is the searchwarrant on which I acted and which I returned endorsed after execution. I had with me search-witnesses. I searched 2 rooms and made out a panchnama for each. Exh P 974 is the Panchnama for the head office room and correctly shows the articles recovered there. The witnesses to this search were Jamshed Ardeshar Irani and 2 others. The articles recovered in the search of the other room are correctly recorded in the panchnama Exh P 948. The witnesses to this search were Mordecai Asher Saigon and another. In the case of both searches I and the witnesses all signed the panchnamas or searchlists. The papers recovered were initialled both by me and the searchwitnesses.

I found the head office locked and broke open the lock. In the case of the other room also I found it locked and broke open the lock.

The documents etc shown to me Exhs P 949 and P 950, P 952 to P 955, P 957 to P 959 and P 961 to P 967 were recovered in this search. The items up to Exh P 962 were in the 1st room and the rest in the 2nd room. (Dange accused makes an objection to Exh P 959. Crown relies on it for showing connection between a number of accused and the Girni Kamgar Union. How far their activities in that connection are relevant is questioned by accused. As far as I can see at present their connection with the Union is a relevant piece of evidence and therefore this evidence proving that fact is relevant).

XXN. For Joshi and others. The building in which the Girni Kamgar Union office was situated is a very large building in which the separate rooms are rented by different tenants. I tried to obtain the keys of the 2 rooms by questioning the tenants of the adjoining rooms. I did not try to get in touch with the office bearers because the neighbours informed me that they did not live on the premises. I had visited that building on the day before the search, but not those rooms. I had also questioned one of the servants who look after the building. I did not ask him to remain present at the search. I had made inquiries on the previous day as to which were the rooms of the Girni Kamgar Union. I had received the search warrant on the previous day before I made those inquiries. In those inquiries I had ascertained that the Girni Kamgarh Union had 2 rooms and so I searched both. I informed my officers of the result of those inquiries. I had only one warrant. I made a 3rd searchlist which I submitted along with the 2 I have proved. That list related to articles recovered from the 1st room.

By Alwe accused. The room I searched first had on it outside a signboard of the Girni Kamgar Union and is the corner room on that floor. There was no servant of the Union present. That room has a partition in it and something like a counter. There may have been openings in the partition: I dont remember. I searched on both sides of the partition the whole room, every drawer, cupboard etc. I took charge of the important papers and left the rest behind. By important I mean papers such as were indicated in my instructions. There were many files there. I did not notice if files were labelled with the names of mills. The sign boards were not brought here. There was a small safe in the office and I took charge of it. It was then locked. I took it to the Criminal Intelligence Department office and broke it open there and prepared a list of its contents. There was no money in it. There are 2 rooms inside the door of the second room. One room only had a few chairs and the other chairs, tables and telephone and cupboards, about half a dozen I searched them all. I left behind many things.

I was not on duty in the Mill area in 1928, nor have I ever attended workers' meetings. I did not know Alwe accused.

By Nimbkar accused. In the second room there may have been one or 2 cupboards from which I did not take charge of any papers because they only contained stationery. In almost all the cupboards there were flat files. I dont remember one in which there were 160 files. I was never sent on strike duty during the 1928 strike, or in the oil strike. I was never on duty in February riots of 1929.

Prosecution tender witness No 107 in Lower Court for cross-examination. As Defence do not wish to cross-examine him he is discharged.

Sd. R. L. Yorke.

18. 9. 30.

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## P. W. 188

*Mahadeo Babaji Sait Deputy Inspector of Police. No 102 in Lower Court. In English on S. A.*

On 20-3-29 I searched the head office of the Girni Kamgar Union at Poibavadi in Parel. Exh P 946 is the searchwarrant on which I acted and which I returned endorsed after execution. I had with me search-witnesses. I searched 2 rooms and made out a panchnama for each. Exh P 974 is the Panchnama for the head office room and correctly shows the articles recovered there. The witnesses to this search were Jamshed Ardeshar Irani and 2 others. The articles recovered in the search of the other room are correctly recorded in the panchnama Exh P 948. The witnesses to this search were Mordecai Asher Saigon and another. In the case of both searches I and the witnesses all signed the panchnamas or searchlists. The papers recovered were initialled both by me and the searchwitnesses.

I found the head office locked and broke open the lock. In the case of the other room also I found it locked and broke open the lock.

The documents etc shown to me Exhs P 949 and P950, P 952 to P 955, P 957 to P 959 and P 961 to P 967 were recovered in this search. The items up to Exh P 962 were in the 1st room and the rest in the 2nd room. (Dange accused makes an objection to Exh P 959. Crown relies on it for showing connection between a number of accused and the Girni Kamgar Union. How far their activities in that connection are relevant is questioned by accused. As far as I can see at present their connection with the Union is a relevant piece of evidence and therefore this evidence proving that fact is relevant).

XXN. For Joshi and others. The building in which the Girni Kamgar Union office was situated is a very large building in which the separate rooms are rented by different tenants. I tried to obtain the keys of the 2 rooms by questioning the tenants of the adjoining rooms. I did not try to get in touch with the office bearers because the neighbours informed me that they did not live on the premises. I had visited that building on the day before the search, but not those rooms. I had also questioned one of the servants who look after the building. I did not ask him to remain present at the search. I had made inquiries on the previous day as to which were the rooms of the Girni Kamgar Union. I had received the search warrant on the previous day before I made those inquiries. In those inquiries I had ascertained that the Girni Kamgarh Union had 2 rooms and so I searched both. I informed my officers of the result of those inquiries. I had only one warrant. I made a 3rd searchlist which I submitted along with the 2 I have proved. That list related to articles recovered from the 1st room.

By Alwe accused. The room I searched first had on it outside a signboard of the Girni Kamgar Union and is the corner room on that floor. There was no servant of the Union present. That room has a partition in it and something like a counter. There may have been openings in the partition: I dont remember. I searched on both sides of the partition the whole room, every drawer, cupboard etc. I took charge of the important papers and left the rest behind. By important I mean papers such as were indicated in my instructions. There were many files there. I did not notice if files were labelled with the names of mills. The sign boards were not brought here. There was a small safe in the office and I took charge of it. It was then locked. I took it to the Criminal Intelligence Department office and broke it open there and prepared a list of its contents. There was no money in it. There are 2 rooms inside the door of the second room. One room only had a few chairs and the other chairs, tables and telephone and cupboards, about half a dozen I searched them all. I left behind many things.

I was not on duty in the Mill area in 1928, nor have I ever attended workers' meetings. I did not know Alwe accused.

By Nimbkar accused. In the second room there may have been one or 2 cupboards from which I did not take charge of any papers because they only contained stationery. In almost all the cupboards there were flat files. I dont remember one in which there were 160 files. I was never sent on strike duty during the 1928 strike, or in the oil strike. I was never on duty in February riots of 1929.

By Joglekar accused. There was hartal on Simon day in Feby. 1928. I saw several processions that day, as a passer by but not on duty. Search of 1st room took about 6 hours and of 2nd about 3 hours. The 3rd list which I mentioned was for the safe and was prepared in the Criminal Intelligence Department office in the presence of witnesses.

By other accused (except for proof of documents) Nil.  
REXXN. Nil.

Documents for Alwe accused. Items D 418, D 419, and D, 420 were also recovered in this search. In Exh P 953 the correction which now appears of Workers and Peasants Party in place of President Bombay Girni Kamgar Union: the name A. A. Alwe was there but I cant be sure whether the correction was there then or not.

Documents for Nimbkar: Items D421(1) D 422 (1) and (2), D 423, D 424, D 425 (1) and (2), D 426 (11 selected pages marked for reference). D 427, D428 (1st 3 pages of item 48 of searchlist), D 429, D430 (1) and (2), D431, this last was on the wall of the 2nd room; D432 (1) to (12), D433, D434 (1) and (2) D435, D436, D437 D 438 whole file except pages 12 and 13, D 439 (1) to (37) D 440 (1), P 951 and E and were all recovered in this search.

Documents for Dange accused. Items marked D 421 (2) D440 (2), D 441 (51 papers the whole file), D 442, D443, D444, D445 (1) D446, D447, D448, D449, D450, D451, D452 (1) to (13) selected papers, D 453. D 454 (1) to (3) pages 3, 4, & 27, D 455 ( 1) to ( 6), D 456 ( 1 ) to ( 3 ), D 457, D 459 as also D417, were all recovered in this search. Items D 457 and D 459 are part of the subsequent search of the suit case and safe. About items 458, 460 (five papers and 461 I can say nothing as they dont bear any signature and are not adequately described in the relevant searchlist which has been shown to me. I seized 7 copies of the photographed D 4:7

REXXN. Nil.

Read and admitted correct.

(Sd.) R. L. Yorke.

19. 9. 30.



P. W. 103 in Lower Court. Jamshed Ardeshar tendered for  
xxn by prosecution. No accused wishes to cross-examine him and  
he is therefore discharged.

Sd. R. L. Yorke

1919-30

## P. W. 189

M. A. Saygaon No. 116 in Lower Court. In English op  
S. A. Tendered for cross-examination only.

XXN. For Joshi and others. I am a photographer. I  
took the photograph shown to me D. 417. I took it somewhere  
about end of 1928 or early 1929. I took it in the King Edward  
Hospital in Bombay. It was of 3 dead bodies. I dont know who  
the deceased were. Somebody on behalf of the Girni Kamgar  
Union came to me and got me to do it and paid me for it. I also  
took the photograph Exh P. 776. I dont think it was taken in conne-  
ction with any strike. It was taken at the Damodar Thackersey  
Hall at Parel. I dont know anything about what happened before  
or after I took the photograph.

By Alwe accused. The Girni Kamgar Union office adjoined  
my room at the time of the search. I attended the Payam Mazdur  
office search first and afterwards the other, that is the Girni Kamgar  
Union. I was at the search of the room adjoining my room and  
not of the corner room. Most of the cupboards were searched in  
that room. Many files were left behind there. I have seen 10 or  
15 clerks working in that office. I used to go there occasi-  
onally on business. The corner room had a partition in it. There  
were windows or openings as in banks in that partiton. People used  
to sleep in the office at nights. There was no one there when the  
police came and the doors were locked from outside. Many people  
looking like labourers used to come to the Girni Kamgar Union  
office. I saw grain being distributed to the strikers in the Damodar  
Thackersey Hall during the 1928 strike. I never attended strike  
meetings except that once or twice. I think I was called for taking  
photographs on behalf of the Girni Kamgar Union. I know I was  
called to take Exh P. 776 but I dont know by whom. I think  
there is a board bearing the words Girni Kamgar Sangh in the

same building as the Damodar Thackersey Hall. The Hall is in the next building to the Girni Kamgar Union office.

By Nimbkar accused. I dont remember when Exh P. 776 was taken. I think I took it myself. I dont remember if it was in rainy season. It might be that some meetings of volunteers were held in the Damodar Thackersey Hall during the strike. I saw lots of meetings but dont know whose they were. The Girni Kamgar Union office was in the Aspar building next door to me in those days. I have taken other photographs in the Damodar Thackersey Hall besides those for the Girni Kamgar Union. For all I know I may have photographed Mr. N. M. Joshi. I cant say whether in the strike days the office of the Strike Committee was in the Damodar Thackersey Hall or whether the strike affairs were mainly carried on there. I visited the hall often during the strike days. I never saw Nimbkar accused there. I dont remember whether I saw Joglekar accused there, or Alwe, or Kasle, or Dange or Bradley, or Mirajkar or Ghate. I have perhaps seen them there. I photographed accused Nimbkar twice in my shop, and also Alwe accused and Kasle. It is correct that I took the photograph D. 417 in the King Edward Medical Hospital in Bombay. It is not a fact that it was taken in the Dadar Cemetery. There is a bench in the photo bearing the words Mahadeo Cunaji. I cant say in what corner of the hospital this bench was. I cant say in what part of the compound I took the photograph. There is a deadhouse there. I cant say where it is, at the front or the back. Dont recall the time I took the photo. I dont remember if it was Mirajkar accused who came and took me in a taxi to take the photo. I dont remember if I met Dange near the dead bodies. I dont know how the deceased had died.

The Kranti office and the office of the Tramwaymen's Union was situated on the other side of my shop. I have often given evidence in Court.

By Kasle accused. Nothing fresh.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

19-9-30

*S. I. A. B. Vichari on S. A. No. 86 in Lower Court in English.*

I am a Sub Inspector in the Bombay Police and on March 20, 1929 I searched the offices of the Girni Kamgar Union, Vincent Road Office, acting on the warrant Exh P 788. I had with me 2 witnesses Mahadeo Maureshwar Athawle and Tribhuvan Govindji. In order to enter the office I broke open the lock in the presence of the witnesses. I searched the office and prepared a list in my own hand of the articles which I seized. I and the searchwitnesses signed that list Exh P 789 which is a correct list. I and the witnesses also signed all the documents seized in the search. Among the documents seized in this search were Exhs P 790 and P. 792 file with P. 792 (1). Nacqan

XXN. By Alwe accused. In 1928 I was stationed at the Lamington Road Police Station. I never attended any workers meetings, nor were there any there. By Nimbkar accused. I was 3 1/2 years at Lamington Road Police Station. The Congress House comes within that circle. I never received any orders to attend any meeting there. I am now at Agripara Police Station since 15. 2. 29. During the strike period in 1928 I was once or twice deputed to the mill area for a single day. I was once at the Indian Woollen Manufacturing Co's mill in De Lisle Road and once at the Swan Mill in Sewri. It was before May 1928. I saw no disturbance on either occasion. I did not see volunteers picketing. I was not in Bombay on 3. 2. 28.

By Joglekar accused. I was ill and did not see the procession of workers on Lamington Road in August 1928. I can't recall where I was on 3. 2. 28. My duty was to be at my station so I did not see Congress demonstrations in the Girgaon area.

By other accused (apart from proving recovery of documents)  
Nil.

Rexxn. Nil

XXN. Continued (see above). By Nimbkar accused. The following papers were also recovered in this search, item 4 D 462 (1) to (11), item 49, D 463 item 79 D 464, item 95 pages marked 1 to 8/D 465 (1) to (8), item 96 D 466 (1) to (3), item 101 whole file except last 2 receipts, D, 467 item 104 the whole file D 468, item 106 badge D 469 (Joint Mill strike Committee Volunteer's badge).

By Dange accused. Item 700 one page only, D 470 was also recovered in this search.

Read and admitted correct.

Sd/ R. L. Yorke.

4. 10. 30.

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## P. W. 191

*M.M. Athawle No 87 in Lower Court on S.A. In English.  
Tendered by the prosecution for cross-examination.*

XXn. By Alwe accused. I was residing in same building which was searched, upstairs, and was called from there. The office searched was sometimes locked up at night and sometimes someone slept there. I have been in Bombay about 20 years. I worked in a mill for about a fortnight only, in 1916. I was not in Bombay in 1923, 1924. I returned there in 1925. Meetings were held in the Maidan opposite my house but I never attended any. None of my relatives works in a mill. Some papers, but blank papers only, were left behind in the office searched. I was standing by the cupboard but did not see if anything was left behind in it. I saw files in it when it was opened and I think almost all were taken out. By Nimbkar accused. In 1928 I was always living in that building in which the officer searched is, and was in Bombay the whole year. I go daily to Fort by tram. The tram route passes through the Mill area for a long distance. I am a Commission agent. I know that there was a Hartal because of the Simon Commission but I don't know the date. The Chawl where I live is situated on the main tram route. I saw some procession in girgaon on that day. In the evening I saw a big students procession coming from the Fort direction to Chowpatti, on the Thakurdwar road. The procession had black flags. They were shouting Shame Shame, and Go back Simon. I saw a big meeting at Chowpatti that evening. I could not get in and went back. The audience may have numbered a lakh. Some 2 months before the Simon Commission visit I saw the millhands in my building not working. The Jacob Sassoon mill on the tram route was closed in those days. The General Mill strike began some 1 1/2 months after the Simon Commission incident. During the strike for about 4 months I saw grain began distributed to strikers from the office

in my building. People used also to collect to receive grain relief at the Kondaji building. There was an office of the Girni Kamgar Union there at that time. It continued to be there right up to the search I attended on March 20, 1929. Going towards Fort one next comes to Chinspokhri where there is the office of the Social Service League or Parel Settlement. I saw a centre for distributing grain at this place also in the strike days. I also saw other centres for distributing grain in the mill area at that time. I also saw a relief centre opened by the Mayors Relief Fund near Poibaodi at the Health Office of the Bombay Municipality. I once saw milk being given there to boys. I also saw other centres for relief distribution by the Mayor's fund. I never personally saw any disturbance anywhere during the strike. During the week after the publication of the settlement on October 4, 1928 I saw one instance in which strike leaders were persuading the workers to go back to work. It was at the Kohinoor Mill where I saw Dange accused asking the workers to go back to work. At some date thereabouts I saw Kastle accused going in a carriage with blood on his head. On the following day there was some partial strike in the city. On the same evening I saw a large meeting at King Edward Memorial Hospital Maidan. From 1914 to 1918 I used to write petitions. After 1918 also I used sometimes to write them for people who came to where I was living. I have also visited worker in their chawls. I have also gone to the Managers of mills taking the men along with me to obtain redress of grievances. I have rather a complete idea of the grievances of the workers for a long time. Kastle accused used to work in the Century mill. He told me that he had been absent for one day because of illness and had been dismissed. I took him to the Manager in order to get him reinstated and was successful in doing so. I have on occasions been instructed to represent cases in which the worker said his relative had died, he asked for leave, was refused it, absented himself and was dismissed. I was always successful in pleading such cases. I know from the statements of many workers who represented their grievances to me that the payment jobber or head jobber for engagement in mills is a common practice. Similarly I know in the same way of forcible collection of subscriptions from the ordinary workers on the occasions of marriages in the owner's family and the like, and similarly of collection of forcible subscriptions by the jobbers and head jobbers for their own purposes at the time of distribution of pay. I know of instance of men being dismissed for that sort of thing, that is for collecting money by force. In some of these instances I drew up the petitions. I know of one instance in which a spinning master was convicted for beating a worker in a mill. I was the person who took the complainant to the Court. I have not witnessed any beating but I have represented many cases or prepared petitions in which it was said that a man had been beaten. I have also represented cases

by taking the men to the Manager where the complaint was of heavy fines: or of refusal of payment of wages already earned where a worker had absented himself without leave. Most work in the mills is done on piece basis. It is a practice in the mills to make a worker himself buy the whole of a piece of cloth damaged by him in the course of manufacture. I know this because I have often bought such pieces direct from the workers weavers that is.

By Joglekar accused. In 1928 strike I saw some mills being picketed by Joint Strike Committee picketers. They were requesting the workers not to go into work. I once paid a contribution to the Joint Strike Committee.

By other accused Nil.

Rexxn. I dont remember if the cases of refusal of payment of wages already earned were cases of pieceworkers or not. Whether they were pieceworkers or not they are all monthly servants, getting their pay at the end of the month if piecework for the work turned out and if not the stated wage.

Read and admitted correct.

Sd. R. L. YORKE.

4. 10. 30.

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## P. W. 192

*Ghulam Hussain on S. A. No. 183 in Lower Court. In Urdu.*

Last year in March there was a search at the Onkar Press in Amritsar at which I was present. It was conducted by Sh. Nasiruddin City Inspector. Some papers were seized and a list was prepared. That is it Exh P. 1392 and bears my signature. In that search Exh. P 1393 and P. 1394 were recovered. They bear my signature which I made at the time.

After the search of the press the office of the manager of the Kirti was searched. Another search list was prepared Exh P. 1397 on the spot and bears my signature and those of others including Firozdin Mansur. He signed in my presence, and that in the red circle in Exh P. 1397 is

the signature he made. In that search Exhs P. 1398, P. 1399, and P. 1400 were found. They all bear my signature.

After that the office of the Kirti was searched and Exh P. 1402 search list was prepared. I signed it on the spot. The Manager etc were there. Firoz Din Mansur was present also at that search and signed the search list in my presence. Papers Exhs P. 1403, P. 1404 and P. 1406 were all recovered in this search and bear my signature.

XXN. For Joshi and others. I had never been inside that building before. Exhs P. 1394 and P. 1402 were shown to me in the Lower Court. I may not have said anything about Firoz Din Mansur's signature in the Lower Court. (In point of fact he did not do so and there is no mention of the signature at all). I can give no reason why I did not do so. I did volunteer in this Court about Exh P. 1397 that Firoz Din Mansur was present and that that was his signature. I knew Firoz Din Mansur before that search. I was able to recognise Firoz Din Mansur's signature when I came to the Lower Court also.

By other accused. NIL.

REXXN. If I had been asked about Firoz Din Mansur's signature in the Lower Court I could have recognised it there.

Read and admitted correct in Urdu.

Sd. R. L. Yorke.

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4. 10. 30.

P. W. 103

*Leagal Hussain on S. A. No. 264 in Lower Court. In English. President Hyderabad, Deccan.*

I am studying for the Indian Civil Service Examination. In 1928 I was in Bombay. I recognise Hutchinson accused in Court. I met him first on the Ballard Pier on his arrival in India about the middle of September 1928. I had gone to the Ballard Pier with Miss Chattopadhyaya to meet her sister Mrs. Nambiar on the boat. The Mrs. Nambiar to whom I refer is the one whose photo is in Exh P. 869 shown to me. I met these people frequently afterwards and particularly acted with Mrs. Nambiar and

Hutchinson accused in a play of Tagore 'The Red Oleanders' under the direction of Miss Chattopadhiya.

Exh P. 1029 and Exh P. 1030 which are shown to me are minute books of a society called The Circle of Progressive Youth. It was a circle meant for some of us to come together and study social economic and political conditions. It was suggested by Hutchinson accused during the rehearsals of the Red Oleanders. I joined this circle. The other members were Mr. Hutchinson, Mrs. Nambiar, Mr. Razvi, Mr. Chari and Mr. Srivastava. We called each our own names and also had Pseudonyms. I remember them Mine was Fraternity, Hutchinson's was Tenacity, Mrs. Nambiar's was Solidarity, Mr. Razvi's was Equality, Mr. Chari's Liberty and Mr. Srivastava's Sagacity.

In the minute book Exh P. 1029 the first 7 pages are in my handwriting except the signature of Equality on Page 7. I know Hutchinson accused's handwriting. His is the signature 'Tenacity' on page 17, and again on page 21. In the book Exh P. 1030 the signatures 'Tenacity' on page 4 in pencil, on page 6 twice in ink, and again on page 8 once in ink. During the period from 26th December to 13 February we read first (as shown by P. 1030) certain parts of Stentor or The Press of today or tomorrow, and after that Stalin's Leninism. Exh P. 1021 is a copy of that book, the same edition we read. I cant say if that is the identical copy we read.

I resigned my membership of the circle in March 1929. Exh P. 2211 and E is the letter (and its envelope) in which I resigned. At the end of Exh P. 1030 is what seems to be a draft of the letter which I received in reply. The draft is in Mr. Razvi's handwriting. There were other reasons why I resigned namely that I did not entirely agree with what they were doing, that is with the later developments of the course. Also they wanted us to meet the labour Leaders. In this connection I think comrade B. on page 15 of Exh P. 1029 refers to Bradley accused as he and other had been talked about. That mention is in the last clause of the minutes of meeting of January 27, 1929 at which, however, I was not present. Bradley had been mentioned at previous and other meetings. I never actually met Bradley accused. I was present at the meeting on 3.2.29 the minutes of which are on the same page 15. The comrade K mentioned in those minutes was introduced to me as Mr. Khan and I knew him as such. The man depicted in Exh P. 1067 shown to me is the same person.

The place of meeting is sometimes shown in the minutes in an abbreviated form. K on page 13 of Exh P. 1029 means Khar, Hutchinson, and Mrs. Nambiar lived there; it is a suburb of Bombay. N R on page 15 stands for Napier Road in Bombay. Miss Chattopadhiya lived there. She was not a member of the



circle. At page 21 place of meeting 'the M C 8 means the Medical College or Grant Medical College. So at page 2 of P. 1035 D T stands for Dhobi Talao; Bradley's name must have been mentioned by Hutchinson accused or Mrs. Nambiar because none of the others of us appeared to know him.

The signature on the last page of Exh P. 1036 is Hutchinson accused's. The handwriting in Exh P. 1037 is Hutchinson's as also that in Exh P. 1038. Exh P 1043 passport was shown to me in Lower Court, and I was asked if the signature was Hutchinson accused's. I said it must be his but I had never seen him sign like that. I have seen Hutchinson accused writing and signing and that is how I know his handwriting. I recognise the handwriting encircled with red pencil on page 2 of Exh P. 1054 as Hutchinson's as also that in notes Exh P. 1586, and P. 1589, and P. 1669 P, and P. 1810 P but not the envelope, and P. 1988 signature of declarant.

XXN. By Hutchinson accused. I am not now a student at St Xavier's College. I left it a year ago, in the same month I gave evidence in the Lower Court. There was no connection between the 2 events. I sat for the Indian Civil Service examination in January 1930 at Delhi but failed. I shall sit again next August. After leaving St Xavier's I went home to Haidarabad, and continued my studies. I was sent for by K. B. Petgara attend. of June 1928, no 1929. It was after Hutchinson accused's arrest. At the time of his arrest I was at Haidraabad. I had returned to the Hostel when I was called. I had no knowledge beforehand as to what I was being called for. I was therefore surprised, at being called. I did not know anything about the legality of the summons nor did I consult anybody. I saw him at his office. He was alone at our meeting and there was no typist there. Khan Bahadur Petigara asked me if I knew Hutchinson and how. He did not show me my letter of resignation, nor mention it. He asked me questions about the circle, and my connection with it. I did not see the Khan Bahadur taking a record of what I said to him. Now was I asked to sign any statement. He told me I would have to go to Meerut and give evidence. I gave full and frank replies to all his questions. I did not regard the proposal to give evidence with pleasure. I did not protest as I was told I must. The Khan Bahadur did not threaten me in any way or advise me, nor give me any hints as to the evidence I should give. Afterwards I consulted some of my friends and spoke to the Superintendent of my hostel, but not to the Principal. Nor did the Principal ever speak to me about this case. I was here 2 days when I came to the Lower Court. I stayed at the Empress Hotel. I met Mr. Horton and Mr. Khairat Nabi before I gave evidence. They did not discuss the case with me. I had to find out where

and at what time I had to give evidence. After giving evidence I expressed a desire to have a few words with Hutchinson accused before I went away. No one made any objection but the Magistrate did not allow it. I don't know what were his reasons. I knew Chari, Razvi and Srivastava before I became a member of the Circle of Progressive Youth. I was not intimate with them. I had known Razvi a couple of years. I became a member because I wanted to know about those subjects, i. e., in order to study Political Economy. That study was the only activity of the circle in which I indulged while I was in it. I came to know the pseudonyms by experience and never sat down to learn them by heart. I am quite sure that Razvi's pseudonym was Equality. I know the handwriting of Razvi, Chari and Srivastava by seeing them writing in the Circle only and not privately. I once received a postcard from accused Hutchinson. It was to inform me of the time and date of a meeting. I think it was signed 'Lester'. I never received any other letter from Hutchinson accused. I have often been in Hutchinson's company and so was able to see him writing and signing. He did not submit his writings to me. I could not give any particular instance in which I saw him do so. I am acquainted but not well acquainted with his writing. Leninism by Stalin is on sale in bookshops in Bombay. The reasons I have already given for my resignation were the only ones which I had. I was shown the vote of censure and warning passed on 27.1.29 page 13 of P. 1029 when I came to the next meeting. I understood the cause to be my non-attendance at a meeting. My resignation was not due to the attempt to impose discipline on me in the Circle. I got some knowledge of Leninism in the circle, from Stalin's book. I understand by the dictatorship of the proletariat that the proletariat have got to get power. It is not an organisation to obtain power but means that the workers will have power. Communism means the changing of Society by revolution, violent revolution. It is a system of society brought about by those means. In the Lower Court I said, and still say, that I understand the overthrowing of the present society by revolution. I don't know who wrote The State and Revolution, or the Civil War in France, or The Communist Manifesto, or what is to be done, or Leftwing Communism otherwise called Infantile Disorder. I have heard of the Communist Manifesto, but have not read it. So far as I remember the Russian Proletariat Revolution took place in October 1917. I understand the Mensheviks were the middle class party of Russia led by Kerensky. The history of Bolshevism is not given in Stalin's book and in any case I have not read the whole book but only parts of it. The reading began with the International Situation which was followed by the Foundations of Leninism and did not touch the 1st chapter. I was present at some of the meetings on Strategy and Tactics. I don't remember

the list of books on page 146. I benefited a little in knowledge from the study circle.

- For Joshi and others. I don't know where Mr. Chari, Razvi and Srivastava are now. I have not been in touch with them since I left the circle. They were still in it when I left it. I first met Razvi in Bombay. They were all 3 students in the Grant Medical College when they and I were in the circle. I was present at the 1st meeting of the circle. The naming of the members as Fraternity etc., took place at a later meeting after 2 or 3 meetings. Both these books were in use from the very beginning of the circle. Records of the meetings were kept from the very beginning. It was I who wrote the reports of the 1st few meetings. Each member chose his own name. There was no resolution passed that members should use these names. We never referred to members by these names except at the meetings. From about the middle of January 1929 I ceased to be regular in attending the circle meetings. I have never had occasion to use the pseudonyms since I left the circle. I was not in the habit of making mistakes in using the pseudonyms while I was in the circle. At the time when I was writing the proceedings I knew them correctly. On page 3 of P. 1029 there are gaps where the name of a member should have been. Those gaps stand for the name of a person who was to be the 7th member of the circle but he did not attend so name was left out. He was not there to choose a pseudonym for himself and had not become a member though he was expected to become one. His real name was Mr. Kirshna Menon. The omission is not due to failure to remember the pseudonym. I don't know if Mr. Kirshna Menon is still in Bombay. He was then a teacher at the Theosophical school. The report at page 1 of P. 1029 is also mine. There is a blank here also for the same reason as for that on page 3. After reading the full report on page 1 I say that I must either have forgotten the name of the member present but represented by a blank or have forgotten to put down his name or he must not have chosen a pseudonym. I am not however prepared to modify my explanation of the gaps on page 3. The only other report written by me in this book is the short one on page 7 which contains no names. I was the 1st Honorary Secretary of the circle, for the 1st 8 meetings of the General body of the circle. I ceased to be Secretary later. P. 1029 is the Minute book of the Executive Committee and P. 1030 of the General Body. After me Liberty was Secretary, and then Equality. There was no fixed Chairman. I know I was Secretary for 8 meetings so there must have been 5 general meetings which are not recorded now in Exh P. 1030 because the pages at the beginning have been lost. The arrangement was that the Secretary was so for 8 meetings of the General body. Meetings of the general body were held once a week at first and afterwards twice a week. I don't remember whether the Executive Committee or General body decided that

but probably the course of business was decided by the Executive Committee. Executive Committee meetings were sometimes held on the same days as the general meetings. The 1st Executive Meeting was held on the date of the founding of the circle, of which the report is on page 1 of P. 1029. I did attend meetings after I ceased to be Secretary of the circle. I attended no meeting after I had sent in my resignation. I am still sure of that after reading page 21 of P. 1029. I wrote the first 7 pages of P. 1029 while I was in the circle and not afterwards for the purpose of this case. The same is my statement about the 1st 3 pages of Exh. P. 1030. I sent my resignation by the hand of a friend Mr. Dhagge who was to give it in at Miss Chattopadhiya's place. Mr. Dagge was a student of St. Xavier's and living in my hostel. I dont know where he is now but he also comes from Hyderabad. At that time Razvi used to stay in the Medical College Hostel. I dont know if he was the Secretary at that time. I did not know Razvi was Secretary till I got the letter accepting my resignation; at least I dont remember whether I knew it or not. At the last meeting that is the 8th meeting of the Secretaryship of one member it used to be decided who was to be the next. I did not know who the Secretary was when I sent in my letter of resignation. I remember proposing a change in the time of meetings by a resolution which was thrown out. I cant say if that was at the last meeting which I attended. I think Mr. Chari was Secretary at that meeting. I was present throughout that meeting. Witness then volunteered I remember that at one meeting I proposed this change as I had to go somewhere and that was thrown out but I was given permission to go. There was no unpleasantness between me and the members at that meeting and I continued to be a member. I cant say whether I attended any more meetings or not. Usually the place of the next meeting was fixed at the preceding one but once or twice I received a card, after I had stopped going. I dont remember who subscribed themselves as Secretary in those cards. Neither Hutchinson accused nor Mr. Nambiar was ever Secretary to my knowledge at any time. I am quite definite on this.

Sd. R. L. Yorke.

6. 10. 30.

XXN. On S. A. Continued. Witness volunteers: Since yesterday I have been thinking about it and I now recollect that Mr. Razvi was Secretary while I was still a member of the Circle and I attended some meetings during his secretaryship.

To Counsel. The practice in the circle was to address all letters on business matters to the Secretary. Up to the time when I moved a resolution for changing the time of the meetings I had not developed any dislike for the activities of the circle. The

activities were merely study. The chapter on the Foundations of Leninism in Stalin's book Leninism referred to on pages 2 and 3 of Exh P. 1030 is that running from page 77 to page 177 of that book. The chapter on International Situation referred to on page 1 of P. 1030 is that running from page 350 to 381 of the same book. (Note. All references are to George Allen and Unwin Ltd's edition of Stalin's Leninism of which Exh P. 1021 is an example ). I knew a little about Communism before I joined the circle, and who the Communists were. I learned it in my study of Political Science and Economics. I had read about Lenin, but not about Stalin. I had not read the expression Dictatorship of the Proletariat. I had seen Stalin's Leninism in the shop windows but had not read it. The activities of the circle were decided at the meetings of the Executive Committee. I think I attended every meeting of the Executive Committee as long as I was Secretary of the Circle. The study of Stalin's Leninism was decided on and begun while I was Secretary. I did not object. There was a meeting on 30. 1. 29 for the purpose of study but it was then decided that we would go to the meeting at the Jinnah Hall mentioned on page 7 of P. 1030 where 2 of the members spoke. I went with them. I was also present at the meeting on 3. 2. 29 reported on the same page. I was present at the meeting of the Executive Committee on 3. 2. 29 reported at page 15 of P. 1029. The business was postponed because Comrade K had nothing to do with the circle and was an outsider. Instead he gave us some talk about Russia and other places. He said he had travelled a lot. ( Volunteered ). At page 22 there is a report of an Executive Committee meeting held at a place described as Khar in full and not in short as K. It was after I left the circle. In the Lower Court I said about the formation of the circle that 'Mr. Hutchinson suggested it, I think.' In the Lower Court I said about P. 1067 that 'I think that P. 1067 is a photo of Mr. Khan.' About Comrade B I said also ' I think this is Mr. Bradley.' By counsel. Do you want to say anything in this connection? Yes. I said to the Court yesterday that when I say ' I think it is more or less a mannerism. The word 'I think' are not meant to qualify the statement made. I did not mention that fact in the Lower Court but I was not asked. I met Mr. Razvi once accidentally at Chowpatti Sands after I had sent in my resignation. I met Mr. Nambiar accidentally once. I did not make any effort to meet any of them after I was asked to give evidence. I dont know if any of them were called by KB Petigara. I gave their names to him, as members of the circle. I cant say when I last saw Hutchinson accused write anything, or when I first saw him write anything. I cant give particulars of any document to which I saw him append his signature as H L Hutchinson. I know the name Gunnu. It is not the name of Mrs. Nambiar. To Court. It is the name of Miss Chattopadhiya.

By other accused. NIL.

REXXN. I also said in the Lower Court that ' I dont think there was any policeman present at the meetings of the circle.' There was no doubt in my mind on the point.

Sd. R L. Yorke

7. 10. 30.

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## P. W. 194

*Mr. C. W. Condon. On S. A. No. 88 in Lower Court.  
In English.*

I arrested D.R. Thengde accused in Court on 20-3-29 on the authority of warrant Exh P 793. At the same time I searched his house under warrant Exh P. 794. That is Mr. Thengde in Court. I had with me in the search 3 witnesses Haribar Sadashiv Patwardhan, Diwarkar Yeshwant Phatak and B. P. Naidu. I prepared a search list or Panchnama of the articles found and seized. P. 795 is that Panchnama and bears my and the 3 witnesses' signatures. The documents seized were initialled by the Panches in my presence. I did not initial them myself. List P. 795 is correct. In the course of this search the following articles, that is papers and documents were recovered: Exhs P. 796 to P. 798, P. 800 to P 804, P. 806 to P 809, P. 811, P 812, P. 814 to P. 828, P 830 to P 858, P 860 to P. 866. I say this by reference to my search list and identifying the initials of the search witnesses Exh P 843 does not bear any initials but is page 96 of the file item 70 in the search list. Exh P. 2511 which is shown to me is the back page of the same file and the words in it are referred to in the search list. It bears the initials of the witnesses. Exh P. 2513 which is shown to me was also recovered in this search and is item A (17) of the search list. The markings of particular passages with blue and red pencil were in this book at the time of its recovery. Exh P. 2514 which is shown to me was also found in this search and is item 9 of the search list. Exh P. 2515 which is shown to me was found in this search and is item 14 of the search list.

XXN. For Joshi and others. In this search the papers and documents marked for identification as follows were also recovered: D. 471 to D 488. Item 77 and 80 of the search list were also recovered in that search and I have now initialled them.

I told Thengdi accused I had to search for literature of a Communist nature. He then produced a number of books which were given the letter A and indexed accordingly. After that I began the search. I went through the whole collection of books in his house. There was a large quantity of books and papers which I did not take, I remember that the books and papers in the A list were in the shelf but some papers were on the table and brought to me from there. The statement in the search list is correct. I cant say whether the books brought from the shelf appeared to be new and unused books.

By other accused. NIL.

REXXN. The bedroom mentioned against the A list and the hall mentioned in next room are really one room. The bedroom mentioned with reference to items 129 to 145 is a different room. That cupboard was the only one from which articles were seized. Papers P 805 and P 859 D. Joglekar were also recovered in this search.

Read and admitted correct.

(Sd) R. L. Yorke.

7-10-30

## P. W. 195

*Balwant Singh on S. A. No 293 in Lower Court. In Urdu.*

I used to be Manager of the Kirti magazine, both the Urdu and Gurmukhi Kirti. I was manager from December 1927 to August 1929. I used to get Rs 90 p. m. pay. On March 20, 1929 my house in Amritsar was searched, by a police officer. I was present and signed the search-list Exh P 745 which was prepared. The entries in it are correct and were checked by me. Exhs P 746 to P 751 were seized in that search by the police. I used to go daily to the Kirti office. My chief duties were correspondence and despatch of papers and account keeping. The Managing Directors were Bhag singh and Sardar Sohan Singh. I saw Sohan Singh in the Lower Court and identified him in the dock. I think Sohan Singh was appointed after my arrival, in place of late Bhai Santokh Singh. He remained till his arrest. Register Exh P 748 is in my hand-writing on pages 2, 3 and 92. It was kept by me in accordance with the papers given to me for making entries. Bhag Singh used to give me the papers to make entries.

Register Exh P 749 is also in my handwriting on the following pages, namely, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 92 to 95. There is nothing written by anyone else in either of these 2 registers. I kept it in course of my duties in accordance with the papers given to me by Bhag Singh.

Register Exh P 750 has its entries in my handwriting on pages 24 to 38, 57 to 72. This register was also written accurately by me in accordance with the papers, vouchers and receipt books given to me. This register was partly written up when I received it. At page 21 of this book there is a note in my hand that I had checked it. It is dated 8-9-27. I was on the Akali newspapers then and I and another men were appointed to check these accounts. We wrote the result of the check in the register. It was from 1-12-25 to 29-8-27. We found only one small mistake of an ordinary kind. This register began from 1-12-25.

(Sd). R. L. Yorke.

7-1030.

Continued on S. A. Sohan Singh to whom I referred yesterday is in Court today. That is he pointing him out. In Exh P 750 prior to January 1928 the pay of each member of the staff was shown separately but beginning 1928 they were shown in a lump, and continued to be so shown as long as I was in the service of the paper.

XXN. For Joshi and others.

I never had anything to do with Durbar and Co. There were some papers and price-lists of that company in the Kirti office and letters sent to and by it. I dont know if there was any connection between the Kirti and Durbar and Co. I had to look after the advertisement work of the Kirti while I was Manager. Durbar and Co sometimes had advertisements in both the Kirti and Akali. I also saw their advertisements in other papers one of which I remember was the Desh Sewak of Jullundur. I do not remember any payment being made by Durbar and Co. to the Kirti for their advertisements. Bhag Singh and Santokh Singh founded the Kirti before my time.

I know one Arjun Singh Gargaj who was editor of the 2 Kirti Urdu and Gurmukhi. I dont know where he is now, nor where Bhag Singh is. I cant recognise Arjun Singh's handwriting as it is a long time since I have seen it. Shown Exh P 1393 said: I cant say if this is his handwriting or not. Bhag Singh cannot read or write English but can only write a little Gurmukhi. He used often to get his letters written by others. I used to keep the address book of subscribers. Bhag Singh used often to bring letters



to me to get the addresses written. Exh P 419 E is in my handwriting, the address. So is the address on Exh P 609 E, and also the red encircled portion numbered 1 on Exh P 609. So is the address in Exh P 1642 PE, and that in P 2052 PE and that in P 2053 PE and that in P 2079 PE (a mistake identical with P 2052) and that in P. 2151 PE, also in P 766 and P 766E all the ink writing. I can well recognise my own handwriting. Arjun Singh Gargaj does not know English except to sign his name. He used to get his letters written by others. Sometimes Bhag Singh used to dictate to me entries of advances, temporary advances of pay said to have been made to Sohan Singh by him on the occasion of his Sohan Singh's going out somewhere. Sohan Singh was often sent to Lahore by the Press to fetch blocks, ink, paper etc. The advances which I refer were cut from Sohan Singh's pay at the beginning of the next month. The cost of fetching blocks etc., was met from the office. Where I have written Contribution in English on expenditure side in P 749 it means payment for an article. The same is true wherever I have written contribution in any of the registers. Payments to people away from Amritsar were made by Money order. A case of the kind is on page 33 of P 750 where money was sent to Shaukat Usmani Delhi. The 2 annas is for Money order Commission. It was despatched on 11.7.28 I remember that on one occasion a money order was returned and sent again when its acknowledgement was received. It was sent again within a few days of its return. That money order was returned after a few days. It was one sent to Shaukat Usmani at Delhi. I well remember receiving the acknowledgement the second time. I failed the acknowledgement.

By other accused. Nil.

REXXN. It is a long time since I saw Sohan Singh's handwriting. I recognise the signature on P 1642 P. (Note Mr. Sinha objects to the proof of Sohan Singh's signature in rexxn even as an introductory question. I allow questions with that object as necessary for the full elucidation of the matter of the addresses.) The name written is Sohan Singh's I cannot recognise the handwriting as it is a long time since I saw it. Sohan Singh never asked me to write my address but Bhag Singh did so always or an orderly, the office orderly.

Bhag Singh used to sit in the office and perhaps Sohan Singh sat by him. He always used to sit by Bhag Singh when he came to office. He only came occasionally. I cannot recognise the writing in signatures on Exh P 2052 P and P. 2053 P but the writing of 'The workers and Peasants' Party Punjab' in P 2052 P is mine. I don't know who the General Secretary was. It must have

been Bhag Singh who told me to write the words Workers and Peasants Party below General Secretary.

Read and admitted correct in Urdu.

Sd/ R. L. Yorke.

8. 10. 30.

To court. I know some typing. Typing of letters was sometimes done by me and sometimes by a man called from the 'Akali' office. Exh P 2053 P was typed by me. I was given a draft by Bhag Singh but I cannot say in whose handwriting it was. The words 'General Secretary' were in the draft. I sent the typed letter to Bhag Singh and he brought it to me to write the words Workers and Peasants Party Punjab.

Sd/- R.L. York

8. 10. 30

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## P. W. 196

*B. P. Naidu on S. A. No. 91 in Lower Court. In Marhatti Madrassi on S. A. Tendered for axn by prosecution.*

XXN. By Joglekar accused. I have been in Poona for a long time and for the whole of the last 3 years. I have flour mills there, in Kirkee and Nana's Peth. I manage them myself, that is I supervise them. The road to the Council Hall passes at a little distance from my place, about 300 yards away. The road in Nanpeth on which mill is situated is not the road to the council. I know Sivaji's temple but have never been there. I dont know if public meetings are held there. I was in Poona in July 1928. I go when necessary to the Vegetable Market, or Mandi. There is an open space near there. I did not see any gathering there in July 1928. I saw no big procession passing by my house towards the Council Hall in July 1928. I dont belong to any party and dont know the gentlemen (some 7 or 8 names were put to the witness) named.

I was occupied in the search for the whole day. Some persons came in during the search but I dont know if Mr. Bhupatkar was one of them. I never went to any meetings at the Kirloskar theatre. I have a house outside Poona at Rajawari. I was going

to market when I was called to this search. There was once a strike of Tongawalas in Poona but I cant say when.

For Thengde accused and others. Papers marked for identification D 489 (1) to (26) all bear my signature except Nos 12 and 23. They were all found in this search. They were not eaten by white ants when they were seized. The police did not seize all the papers and books in Thengde's house. They left some books and files there.

By Nimbkar accused. Gandhi Maidan is 1 mile from my house. I have not attended any meetings there. I have in my life attended some public meetings, not religious meetings but political meetings. I never heard the subject of any meeting as I never got close enough. I never attended any public meeting of a political nature in 1929 and dont remember if I attended any in 1928. I was in Poona in 1923 except for 2 months. I never saw Nimbkar accused in Poona in 1922 to 1924. (Note. The witness answered a very large number of questions as to knowing personally so called important persons in Poona in the negative). There was a Hartal in Poona when the Simon Commission came there. I did not attend a big meeting then. There was a Youth League Conference at Poona in December 1928. I heard of it. I saw meetings in the market only this year. I have attended meeting only accidentally. I dont remember the Tri-Centenary celebration of Shivaji in 1927. At the time of the search some pleader had come there but I cant say if it was Mr. Bhupatkar. I did not know Mr. Phatak seach witness before. My residence is more than 2 miles from Thengde accused's. I dont know where Phatak lives. I knew Sub Inspector Mane before. He picked me up at the market. The distance from market to Thengde accused's house is about 1 1/2 miles. There are houses all the way. I cant say why Mane selected me.

By Kastle accused. After I came to the Lower Court and had gone away from Meerut again I received a postcard from Kastle accused. It contained a request to Mr. Jadhe to come to Meerut to get legal help for Kastle. I gave the card at Mr. Jedhe's shop in Poona. It is a Sunar's shop. I know Gupta Govt. Pleader. I have never visited Jedhe's hall. I was in the Poona Ammunition Factory. There was no Union there then.

By other accused. Nil

REXXN. The letter at page 110 of the same file as D 489 was also recovered in this search (marked P 2516); as also type-written paper pages 143 and 144, Exh P 2517 (Formal objection by Mr. Sinha to these 2 documents being filed in re-examination Mr. Sinha would however have filed the latter paper himself if he had not missed

Read and admitted correct in English which witness says he can follow.

Sd. R. L. Yorke .

8.10.30

Note: in Nimbkar accused's XXN a very large number of questions relevant only to the credit to be given to the witness were asked and answered in the negative. Being otherwise irrelevant they were not recorded.

Sd/ R. L. Yorke.

8. 10. 30

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## P. W. 197

*Mr. J. C. Arango Sub Inspector of Police Bandra on S. A. No 94 in Lower Court. In English.*

I know accused Jhabwala in Court and identify him. I arrested him on 20th March 1929 on warrant Exh P 874 and searched his house at Khar the same day on warrant Exh P 875. I had with me as witnesses Hussainbhoj, Fazalbhoj, and Lalji Chapsee. Accused Jhabwala was present throughout the search. I prepared a search list Exh P 876 which is signed by me and by the witnesses. It is a correct list of the property recovered and Exh P 876 T is a correct translation made by me personally. The documents seized were not signed. Exhs P 877, P 878, and P 879 are shown in the searchlist and were among the documents recovered in this search. I was asked to make inquiries about the whereabouts of the accused Hutchinson. He was living in Khar from 15. 10. 28 until the 8th May 1929 the date on which I made my report. He was living in Mrs. Nambiar. That is the Mrs. Nambiar whose photo is in Exh P 869 (passport). I have refreshed my memory from the report which I submitted at the time.

XXN. By Nambiar accused. I have been in Bandra Division 2 years. Before that I was in C. I. D. Poona. I was not there in 1922 to 24. I was 2 years in C. I. D. and before that in District Police Andheri. During last 2 years I have watched political activities of Bombay suburban district. I came to Bandra in May 1927. I was not present at a meeting for collecting relief for Bombay strikers held at Bandra in August 1928. I have not watched the activities of the Ville Parla Youth League. It is not in my jurisdiction. I never attended any meeting in Bandra against the

Simon Commission. I have not watched the activities of the Municipal Slaughterhouse employees union at Bandra.

By Joglekar: I know nothing about a strike of gangmen on the B. B. C. I, in Bandra, or of meeting in January and February 1929. I have not attended any political meetings to take reports; even when I was in Criminal Intelligence Department. I have made several reports about public meetings. Some were in 1929. They were in connection with confidential matters. They were not reports on the meetings. I have never in my life made a report about the substance of a speech at a meeting. I never saw any strike of the butchers in Bandra. I have never done any letter censorship while I was in Criminal Intelligence Department.

Sd. R. L. Yorke.

8. 10. 30.

XXN. Continued for Joshi and others. Papers marked D 490 to D 494 were also recovered in this search. There is only one page of D 492 now. So far as I remember there were originally 3 pages of this essay, 2 complete and one half. I know Gujrati. The book D 493 is Gandhi Shikshan or Teachings of Gandhi. I left in Jhabwala accused's house a large number of books, about 400.

I left them because they did not come within the categories contained in the instructions accompanying the warrant. The house which I searched was known as 'The Hermitage'. D 495 group photograph was also recovered in this search.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

(Sd.) R. L. Yorke.

9-10-30.

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## P. W. 198

*Hussain Ali son of Fazal Bhai on S.A. No 95 in Lower Court.  
Tendered for cross-examination only. In English.*

XXN. By Joglekar accused. I dont attend public meetings

t Bandra. I am a merchant, and sell automobiles. I do not go to Kurla bazar, nor have I attended Khilafat meetings held there, or other meetings. I visit Bombay. I was not there on 3-2-28. My shop is near Kasai-Khana at Bandra. I have never seen the butchers holding meetings.

By other accused. Nil.

REXXN. : Nil.

Read and admitted correct.

(Sd.) R. L. Yorke.

9-10-30

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## P. W. 199

*Sub Inspector P.P. Kothawala on S. A.No. 98 in Lower Court In English.*

I arrested A. A. Alwe accused in Court whom I identify on 20-3-29 acting on warrant Exh P. 921. I also searched his house at that time acting on warrant Exh P 922. I was accompanied by search witnesses Bhikhubhai Devabhai and Mahadeo Narain for the search of Sheoram's Chawl Alwe's room there. The searchlist is Exh P 923. I also searched his person and for that had 2 witnesses Abdul Aziz and Ibrahim Haji. For that search the searchlist is P 924. Alwe also had a room at Nagu Sayaji Wadi which I searched acting on same warrant. The same witnesses were as for the personal search. The searchlist is Exh P 925. I and the searchwitnesses all signed all the searchlists and the papers seized. They contain a correct record of the articles found and seized. Among the articles found in the search at Sheoram's Chawl were Exhs P 929 and P. 930, and P 932.

XXN. For Joshi and others. Paper P 927 D Alwe was also recovered in this search at Sheoram's Chawl on Elphinstone road. I had only one search warrant Exh P 922. I had orders to search his rooms wherever found. The orders were given me by the officer who handed me this warrant, that is the Deputy Commissioner Special Branch, that is K. B. Petigara.

By Alwe accused. I found Alwe accused in his room at Nagu Sayaji Wadi. I saw military posted in the street afterwards.

I took Alwe to Elphinstone Road at about 9 a.m. When I reached Alwe's room there I saw Police officers there already in the compound down below. To Court. The door of the room was opened by a woman who was in it at Alwe's request. No one was near the door when I reached there. By Alwe. Alwe made no complaint to me that police had been posted at the room door from early morning to 9 a. m. and that the inmates were not allowed outside. Alwe himself showed me all the papers in the room. He said to me that he did not know English and if I had anything to say to him, I should say it in Marhatti. There were photographs of Hindu deities in the room. There were some religious books there. I don't remember the names. I took the articles recovered away myself, and took it to Criminal Intelligence Department office. It was in a parcel sealed up. I don't remember if the typed address. The Bombay Chronicle Fort Bombay was on the issue of Kranti dated 12-11-1927 (P 930) when it was recovered. I did not know Alwe before that time.

By Nimbkar accused. In 1928 I was at Pydhoni Police station, and up to March 1929. I was on strike duty only once, at De Lisle Road bridge. It was during the 1928 strike. There was no disturbance on the day I was on duty. I was never on duty during the oil strike. I remember the Hartal on 3-2-29. There was no trouble that day in the Pydhoni area. I saw no demonstrations or processions that day. Papers D-496 to D 501 were also found in the Elphinstone Road search.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

(Sd.) R. L. Yorke.

9-10-30

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## P. W. 200

*Mahadeo Narain on S. A. No 99 in Lower Court. Tendered by prosecution for cross-examination. In Marhatti.*

XXN. By Alwe accused. I was living in a chawl near by Sheoram's chawl belonging to same owner. I am a mill worker, since 14 or 15 years. There was a strike in 1918. After the strike

mills began to work for 10 hours only per day. Before that it was 12 hours. I dont remember 1920 strike. An allowance of 12 annas bonus for every rupee for high cost was given since 1920 and is still given. In 1921 the workers got one month's pay as bonus for one year's work. It was stopped in 1923. There was strike on that account in 1923. In 1925 there was a strike when 11 1/2 per cent had been cut from the wages. The strike lasted 4 1/2 months. The cut was restored. I saw notices posted but I did not read them and then the mills began to work. Grain was distributed to the strikers in the 1925 strike. I dont know who signed the relief tickets. In 1927 the 3-loom and 2-frame system was introduced in the Sassoon mills. There was a strike in those mills. I was not in those mills. In my opinion a man cannot work 3 looms. The 1928 strike was due to the enforcement of that system. It was done in my mill too, the Shapoorjee mill. I am now in Hirji mill. I was formerly in Simplex mill, in 1921, 1922. I did not know Alwe then.

(Sd.) R. L. Yorke.

9-10-30

By Alwe accused. I have never met with the practice of cutting 2 days pay for one day's absence of a worker. I have never worked as a weaver but as a cloth examiner. In case of cloth being spoiled by a weaver the weaver is fined in some mills and in the others he is made to purchase the cloth. One fourth of day's wages are cut if a worker is a few minutes late in arriving at work. (Crown Counsel submits that all this evidence in regard to grievances in mills is irrelevant. Mr. Sinha defends off hand but would like to argue the matter after fuller consideration. In some mills women are paid maternity benefit and in some not. (maternity benefit apparently meaning pay for some time of absence). I have not seen owners paying less than the scheduled rates. Kastle accused was in the Simplex mill with me. I dont know why he was dismissed. I have been in a number of mills. I left mills some times through sickness and sometimes through remaining absent without leave. In the 1928 strike I saw grain being distributed to workers. I lived in De Lisle Road Cement Chawl but dont remember when I was living there. I never attended any worker's meeting held there. I did not go to work during the strike. I never saw Police beating the workers. Alwe's wife who lives in Sheoram Chawl works in a mill.

XXN. For Joshi and others. Nil.

By Nimbkar accused. In the last 6 months of 1927 I was working in the Shapoorjee mill. I worked there as a folding jobber. As a katlika (cloth examiner), I was always connected with the weaving dept. It is the practice in the mills when a notice is posted for the workers to gather round and get it translated by some literate



worker. I am able to read Marhatti notices. Notices at the gates are usually posted up in English and Marhatti, one copy each. After 1925 inferior counts were introduced and so pay of some piece-workers was reduced, in my mill, the Shapoorjee Mill. I was there 2 or 2 1/2 years. There was no reduction of staff of workers while I was in Simplex mill nor do I remember any in Shapoorjee mill. I have worked in 5 or 6 mills in all. There used to be a practice of paying 8 annas a month bonus for good attendance and good work in the spinning department. I don't know anything about its abolition. I was not a member of the Girni Kamgar Union and I did not attend meetings during the strike of 1928. Nor was I a member of any other Union. I certainly never attended any meeting. I was not a volunteer of the Joint Strike Committee for picketing purposes. I never attempted to go to work during the strike. I did not trouble about the strike news. I don't remember if meetings were held after the strike was over. I never took any grievance to the Girni Kamgar Union or strike Committee. I did not get any other work during the strike. I was at home. I used to work in mill for 8 1/2 hours a day. The mill worked from 7 a. m. to 6 p. m. with one hour's interval. I went to work 6 or 7 days after the settlement of the strike. I went to work in a different mill, the Industrial mill for 3 or 4 months. I did not go to Shapoorjee mill because I had been dismissed because I was sick. I was ill and was not allowed leave and then I came here and my work was delayed and I was dismissed. I never saw police beating workers in Delisle road area. I never took strike relief. I never heard Nimbkar speaking in a workers' meeting, or Alwe, or Kasle or Joglekar or any accused. I had seen Kasle and Alwe before I came here. I had not seen any of the rest. I never went to Girni Kamgar Union office. Reminded of his statement in Lower Court that 'I used to go to the Union Office but not as a member,' said I don't remember if I said that. I might have gone with someone else. I have other relatives who are workers. I don't know if they are members of the Girni Kamgar Union. I don't remember if I said in the Lower Court that 'other members of my family belong to it'. I have not made inquiries from them. There is a maidan just in front of Chawl 4 in Delisle road in which I lived. I used to see meetings being held there but I did not attend there. I could not see or hear what went on from my room. I got Rs. 35 from Mr. Kotawala from his office to come here. I am staying in the witness house. So are the police officers.

By Joglekar. I got no wages when I came to the Lower Court for that time but only for the days I had worked. I got no notice pay. I got it as soon as I was dismissed on my return from Meerut.

By other accused. Nil.

REXXN Nil.

Read and admitted correct and interpreted to witness sentence by sentence by court Interpreter.

(Sd.) R. L. Yorke.

10-10-30

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## P. W. 201

*Mr. A. M. Gardiner on S. A. No. 100 in Lower Court.  
In English.*

I am a Deputy Inspector of Police in Bombay. I know and identify Kastle accused in Court. I arrested him on 20. 3. 29 acting on warrant on Exh P 933. I searched his person and his room acting on warrant Exh P 934. I had 2 witnesses with me Charles William Christopher and Joseph De Silva. I prepared 2 search-lists one for personal search and the other for the room Exhs P 935 and P 936. Both are signed by me and by the witnesses and contain a correct record of what was found and seized. The documents seized were also initialled by me and by the witnesses. Exh P 937 was found in the personal search and Exhs P 940 and P 942 to P 945 were found in the room search.

XXN. For Joshi and others. The ink scribblings of the names B. G. Kastle and M. G. Kastle on Exh P 942 were I think there when it was recovered. Paper D 502 and in item no 33 a bundle of papers was recovered. I cant say if papers D 503 (1) and (2) were in that bundle.

By Nimbkar accused. During 1928 and up to March 1929 I was in the Docks. On 30. 2. 28 I was in the Public Land Conveyance Licensing Deptt. I was not at Ballard Pier on 11. 10. 28. I never went on strike duty during the General strike of 1928, or the oil strike at Sewri or at Wadi Bunder.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/—R. L. Yorke.

10. 10. 30.

## P W 202

*Mr. C. W. Christopher on S. A. No 101 in Lower Court.  
Tendered by prosecution for cross-examination. In English.*

XXN. By Nimbkar accused. I am a Mechanical engineer, at present unemployed. I was last in the Planet mill, 5 years ago. I was 14 years in the mill industry. I am not a member of any association. I have not been working during the last 5 years. The mills used to work 14 hours a day. I think it was in 1906. It was later reduced first to 12 hours and then to 10. In 1925 the men of my department used to work about 8 1/2 hours a day. I have not kept in touch with the mills in the last 5 years. I have worked in the following mills-Greaves Cotton mills, Dawn mills, Kalyanmal mills, Planet mill. I was in Kalyanmal mill in Indore in 1922. I was not in the mills in 1918. I was in Bombay in 1920 in the Port Trust. I joined the Kalyanmal mill in 1924. There was a strike about the bonus in 1923 December after I had come to Bombay. It lasted about 2 months. The workers did not win their case. I was not in the mills in the 11 1/2% cut strike. I never worked in any mill after the 1925 strike. I have no idea of the economic position of mill-workers, even those in my own department. Oilmen get about Rs 18 to 20 per month. Their work is done before other workers come and after others leave. They come half an hour before the other staff. They don't get overtime.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/- R. L. Yorke.

10. 10. 30

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## P W 203

*P. R. Deshpande on S.A. No 115 in Lower Court. In English.*

I am an Inspector of Police in I chalkaranja state near Kolhapur. In March 1929 I was a Sub Inspector in the Bombay

police. On 20. 3. 29 I searched the office of the Pyam Mazdur acting on warrant Exh P. 1083. I had search witnesses with me namely M. A. Sayagaon and Ahmad Musa. I went to the room which is on the 1st floor of the Aspar building and knocked at the door. Adhikari accused in Court whom I identify opened the door. I searched the room in the presence of the search witnesses and prepared a searchlist Exh P 1084 which is signed by me and by the witnesses. It correctly records the papers found and seized by me. I and the witnesses also signed all the papers seized Exhs P 1085 and P 1086 were recovered in this search.

XXN. For Joshi and others. I finished my search about 8 a. m. I then left the place. I did not know and had not seen Adhikari accused before then I reached the place at 6 a. m. I dont remember seeing any chowkidar or servant. No one came there while search was going on outside the police. I made no note except a mental note that it was Adhikari who opened the door. I asked him his name. I wanted to know who was the occupant of the room. I had no instructions to find that out. By Alwe accused. I was once clerk to Inspector Patwardhan in 1924—1925. I was in Criminal Intelligence Department at time of 1925 strike. I used to take summary reports of meetings of workers then. I used to see Alwe accused in those meetings. I used to see an office called Girni Kamgar Sangha at De Lisle Road. There was also an office of Girni Kamgar Union near by. There was also an office of Girni Kamgar Sangha at Damodar Thackersey Hall. The Girni Kamgar Union had an office in Aspar building near by, and also at Lalbagh.

Other accused. Tomorrow.

(Sd) R. L. Yorke.

10. 10. 30.

XXN. Continued on S. A. By Nimbkar accused. R. S. Patwardhan was in charge of the Labour Deptt. of the Criminal Intelligence Department while I was a writer to him. I took over from another writer S. I. Akut. After that I went to L Division Criminal Intelligence Department P. S. Bhojwara and Bicylla. In 1928 and 1929 I was at Bhojwara. The Aspar building is in Bhojwara. There was no board on the Pyam Mazdur office. I did not see any board in that building with Girni Kamgar Union Head office on it. I dont remember if I have met the Girni Kamgar Union office bearers near the Aspar building. I was on strike duties among other duties. I never saw any Girni Kamgar Union office in the Aspar building. I said there was one there on Friday in answer to Alwe accused. I knew it because I had been told so. I dont know who told me so. I saw other searches going on in the Aspar building when I went to search the Pyam Mazdur office. I cannot say what those searches

were. I found the search witnesses Mr. Saygaon in the Aspire building. That building has 5 or 6 storeys. The search I did was on the 1st floor. I don't know how many rooms there were on that floor. I don't remember the number of the room searched. It might be about the 7th room from the staircase. I had got the information as to which was the office of Payam Mazdur beforehand, that is on the previous day. I made the inquiry because I had been given the warrant. I don't remember exactly when the warrant was given to me, but I know I got it the previous day. I kept it with me till the time of the search. I made inquiry about the office on the previous day from Mr. Saygaon. That Mr. Saygaon is the brother of the search witness. The 2 brothers do business together in the same studio. I was in mufti when I made the inquiry from him. I don't remember the time at which I went. I had known the Saygaon brothers from a long time. I did not arrange that day that Mr. Saygaon was to be a search witness next day. There was no signboard on the room searched. I did not know that Mr. Saygaon was also a search witness for the Girni Kamgar Union search. I know Mr. Sait Dy. Inspector of Police. After I had finished my search I did not see Mr. Saygaon in Mr. Sait's company. I saw Mr. Sait on the same floor on which I searched. I did not know why he was there and did not ask him. I don't remember seeing a small signboard on the 1st room from the staircase. It was not very dark when I entered the building. I did not see any signboard of the Girni Kamgar Union on the 4th room. I did not see any signboard of the Tramwaymen's Union on the room searched but there may have been one. I was on duty at Sewri in the oilstrike for about 8 days, at the beginning of the strike. I saw Pathans going into the works on the 5th day of the strike. I don't remember seeing Nimbkar accused at the gate of the works at that time. I had no talk with any officer of the Company. I received a telephone message from the Company at the beginning of the strike to send a police squadron. I acted on that message and went to the works. Sergeant Power gave me my instructions on the spot. I saw meetings occurring from half a mile distance. There is a straight road leading to the maidan, where the meetings were held, from the place where I was posted. The maidan is on the east of the works. I was posted at the gate on the west side of the works. The workers were not allowed within one or two furlongs of the workshop. That was the order of Inspector Klein which I was carrying out. Between the place where I used to sit at the rear gate of the workshop and the place of meeting there are no roads but open maidan. During those days I never tried to enter the chawls of the workers to induce them to return to work. I never posted police at the level crossing near the works to stop workers going, nor did I see any. I used to visit that area every week from then up to 20. 3. 29. Meetings were not held near the workshop after the 1st week of the oil strike. I was not in the Sewri locality at the

time of the Pathan riot. I had gone there that morning and next went there after a week. The Development Deptt Chawls are on the thana side of the level crossing. I did not see Pathans staying in the warehouses close to the workshop or food or wine being taken there. I have been inside the workshop, during the noon recess. I did not see Pathans being kept inside there during the recess. I did not see Nimbkar accused or Mr. Pangarkar near the workshop between the beginning of the strike and the date of my search.

I never received any money from the Manager of the Burmah Shell company for beating the strikers. I never saw money paid to Inspector Klein. I saw grain being distributed to the strikers. I was also on duty during the 1928 Textile strike. I did not attend any meetings of workers during those days. I was never on duty with any procession or demonstration of strikers. I never saw any disorder on the part of the strikers. By Joglekar. During that strike I saw grain relief being distributed by the strike Committee. I also saw volunteers of the strike committee going round in the mill area and standing at mill gates. I saw some doing peaceful picketing. I did not see any going round collecting subscriptions. I visited the Damodar Thackersey Hall sometimes in the evening, not on duty. I did not see any meetings on the maidan there. I did not see anybody in the hall when I went there. I went to see a friend in a dramatic company there I did not see the workers of the Mayor's relief fund distributing relief. I know a Mr. Asloe who is my acquaintance and is M. L. C. and a J. P. He is a Rao Sahib but I dont know his full name. I know a Syed Munawwar as a Labour Leader.

By other accused Nil.

REXXN. Nil

Read and admitted correct.

Sd/- R. L. Yorke.

13. 10. 30

# P. W. 204

*Sub Inspector S. N. Savant on S. A. No. 113 in Lower Court. In English.*

On 20.3.29 acting on warrant Exh P. 1056 I searched the room of Amir Haidar in Ghelabhar St. Madanpur in Rahimu Seth's chawl. I had 2 search witnesses with me Hasan Ali Moolji Khoja and Peter Simon Saldanha. I went to Amir Haidar's room at 6 a. m. when he was sleeping in his room. I knocked at the door and he opened it and was present throughout the search. He is the man depicted in photograph Exh P. 1067. I prepared a search list Exh P. 1057 which correctly records the documents found and seized there and is signed both by me and by the search witnesses. All the documents seized by me were also signed by me and by the witnesses. Among the articles recovered in this search were papers Exhs P 1058 to P 1082 excluding P 1081 (rejected). They were all found in one room. All these exhibits bear my signature except P 1067 E and I remember that envelope is the one in which the photographs were found. P 1065 was already torn when recovered. P 1079 also appears to me to be a photograph of the man whose room I searched.

**XXN.** For Joshi and others. I had never seen Amir Haidar before the day on which I searched his room nor have I ever seen him since that day. I visited the house a day before the search. I did not ask the man whose house was searched to sign any of the documents seized. Nor did he actually sign any of them in my presence nor did anyone else do so on his behalf. I had no warrant of arrest and did not arrest him.

By Joglekar accused. In 1928 I was at the Paltan Road Police station. I still am. I know Madina building near my Police station. I have never been inside it. I was on duty on 3. 2. 28. I did not see any demonstration that day. No procession passed the Police Station that evening. In the morning I was at the Police Station. I never went on strike duty. I know Seamen's Union office at corner of Carnac bridge. I have never been into it.

By other accused. Nil.

**REXXN.** Nil.

Read and admitted correct.

Sd/ R. L. Yorke.

13. 10. 30

Prosecution tenders P. I. Salghana P. W. 114 of Lower Court for cross-examination. No one wishes to examine him and he is therefore discharged.

Sd/ R. L. Yorke

13. 10. 30

Accused do not want Mr. A Saygaon resummoned for the search of P. W. 203 Mr. Deshpande.

Sd/ R. L. Yorke

13. 10. 30

## P W 205

*Mr. Johan Simmons, Inspector of Police, Bombay. No 110 in Lower Court on S. A.*

On 20.3.29 I searched 2 offices of the Youth League, Bombay, acting on warrant Exh P. 1050. The offices were one on the 1st floor of Madan House, Hughes Road Bombay and the other at Lakhamsee Napoo Hall, Matunga, post number 19. I was accompanied by 2 witnesses for each search. At the Hughes Road search they were Shantiram Lachuman and Jaisingh Ladha. At the other they were Ramniwas Ishari and Mohanlal Bhagwanlal Bhatt. I prepared a separate searchlist for each search. Exh P. 1051 is the Hughes Road search list and is signed by me and also by the search witnesses. Exh P 1052 is the search list of the Matunga search. They both correctly record the documents found and seized. The documents seized were initialled both by me and by the witnesses. Papers Exhs P. 1054 and P 1055 were both found and seized in the Matunga search.

XXN. For Joshi and others. I know the Hughes Road Youth League office before I made that search. The only warrant I had was Exh P. 1050. I searched 2 offices on that warrant because I was instructed by Mr. Petigara to do so. He also gave me the address of the 2nd office. Papers D. 504 and D. 505 and D. 510 (page 18 only tendered) were also recovered in the



Matunga search and papers D. 506, D. 507 (1) to (6), D. 508 and D. 509 in the Hughes Road search.

By other accused. Nil.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke.

13. 10. 30

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## P W 206

*Santram Lachman No. 111 in Lower Court. Tendered by prosecution for xxn only. In Marhatti. On S. A.*

I have a teashop in Jetabhai Kalanjee building, at Gaondevi, Bombay. I am a partner in it. At the time of the search I was staying there. I am not a member of the Congress, or of the Youth League or the Hindu Mahasabha. I dont get time to attend meetings. Nor did I attend the meeting at Chowpatty at the time Simon Commission coming. I know a mill near my place. The workers there come to my shop to get tea. There was a strike in 1928. I dont know if employees went on strike again after its settlement.

By other accused. NIL

REXXN. NIL.

Read and admitted correct by translation sentence by sentence.

Sd. R. L. Yorke

13. 10. 30

*Rao Sahib N. P. Wagle, Inspector of Police, Bombay No. 118 in Lower Court. In English. On S. A.*

I know accused Joglekar in Court and identify him. I arrested him on 25-3-29 acting on warrant Exh P. 1102. I had gone to his house on 20-3-29 but failed to find him there. I had the address on the warrant and also the house bore a signboard K.N. Joglekar B.A. I searched the house having entered by breaking the lock. I was acting on warrant Exh P. 1103. I had search witnesses with me N. H. Bhiwandekar and Debi Singh Arjun Singh. I searched the house and prepared a search list Exh P. 1104 of the articles found and seized. The list is written and signed by me and also signed by the witnesses and contains a correct list of the articles found and seized. The documents seized were also initialled by me and by the witnesses. In that search the following documents were found and seized namely Exhs P. 1106 to P 1136 and P. 1138 to P 1158 and Exh P. 2518 Peshawar to Moscow by Shaukat Usmani. I also searched Joglekar accused's person on 25th March and prepared search list Exh P. 1105 which is correct.

XXN. For Joshi and others. I received the warrant of arrest a day or 2 before the 20th March. I used that warrant on 25th. I dont endorse a warrant until I return it and so did not endorse this on the 20th. I had learned on 20th that accused might be on the G. I. P. Railway line so I went up the line after 20th some time to look for him. On 25th evening I got information that he was at Jinnah Hall near Congress House attending a public meeting. I had heard a day or so earlier that he was back in Bombay and personally had made inquiries in Dadar and round but had failed to trace him. The place searched on 20th consisted of 2 rooms, a verandah and a kitchen. It appeared to be used as an office and also as a residence. I had given instructions for the room to be watched after the search. I had not gone there myself. I am not sure whether I had gone to the room between 20th and 25th but I think I might have gone once. On 26th I opened the room and when I went to do so I found it still locked with the padlock, I had put on on 20th. No one had come to ask me for the key between 20th and 25th. The instructions I had given to the beat constable were to inform me if anyone comes to open the room. I received no such information. I dont know where accused was living between the date of his return to Bombay and the date of his arrest that is 25th. At time of arrest I searched accused's person. Paper D. 511 was recovered in that search.

By Nimbkar accused. I was in charge of Princess St. Police station from 1925 to January 1930. I once met Nimbkar

accused at the Hindu Cemetery known as Sonapur. I received information that a procession was going to Sonapur which is in my circle, so I went there. The occasion was the cremation of one who had died during the strike. I got my information from Fydhoni or Donjri Police Station. I don't remember now the details of the arrangements made. I don't remember what I said in the talk I had with Nimbkar accused. I was not on duty in connection with the Simon Commission arrival on 3.2.28 but I was in charge of Princess St. Police Station that day. I do not remember if there was any hartal in my circle that day. In the evening I saw a procession pass through my area. I don't remember any of the persons who took part in it. I believe I saw black flags with that procession. I passed into C. division from mine. I am in B and Girgaon is in C. I saw processions in July 1928, perhaps once a week. I don't remember particularly one in the last week of July. I don't remember telephone orders about it. Such orders come through for every procession which goes from one division to another. The old Ashok stores building was in my circle. There was a National school there but I can't say if there was also C ward District Congress Committee office. We don't deal with political or open air meetings. I saw persons going round collecting subscriptions once or twice during the 1928 strike period in my circle.

By other accused. NIL.

REXXN, NIL.

Read and admitted correct.

(Sd). R. L. Yorke.

14-10-30

**P. W. 208**

*E. A. Fern, Inspector of Police, Bombay on S. A. In English.  
Represents no. 124 of Lower Court.*

I was in England when the evidence in this case was proceeding in the Lower Court. On 20.3.29 I arrested Mirajkar accused in Court whom I identify. Exh P 1221 is the warrant on which I acted. I also searched his room acting on warrant Exh P. 1222. Sergeant Dewry who gave evidence in the Lower Court was with

me. I had search witnesses with me. Basudeo Govind and Namdeo Bhagwan. I prepared a search list Exh P. 1223. which I and the witnesses signed and which correctly records the documents seized. The documents seized were initialled by me and also by the witnesses. Papers Exh P. 1224 to P. 1236 were among the papers seized in this search. Mirajkar accused was present in his room throughout the search.

XXN. By Nimbkar accused. In 1928 I was in the Port Health Staff, that is in connection with the Harbour. I was under Superintendent Smith for discipline only. I worked in the new Customs house. I never went on strike duty.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

14. 10. 30

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## P. W. 209

*Basudeo Govind No. 125 in Lower Court. Tendered by prosecution for cross-examination only. In Marhatti. On S. A.*

XXN. By Nimbkar accused. I myself work as a goldsmith at my own house in Padhye's chawl in Dadar, near Dadar police chowk, and near the Kasturchand mill. I was in my shop on day of search. It is on the big road. I can see processions passing by the road. I have never attended any public meetings at Dadar. I don't remember the processions before and during the 1928 strike. Or if the Kasturchand mill stopped work for a month or 2 before the general strike. I did not see volunteers picketing the Kasturchand mill during the strike. No mill workers stay in my chawl. Nor are they among my customers. I don't do any pawnbroking business. I don't know if there were hartals in Dadar in 1928. I am not a member of any communal association. I am a Daivadnya Brahman.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct. Translated sentence by sentence by interpreter.

Sd. R. L. Yorke

14. 10. 30

*Vijai Raghavachariar on S. A. No 175 in Lower Court.  
In English.*

I was Deputy Postmaster of the General Post office Bombay in September 1929. I have 22 years service in the Postal Department. I know the procedure in sending money by Money Order. In the case of telegraphic money-orders from England a form is filled in in England. We get a telegraphic advice in the General Post Office Bombay through the telegraph office. The advice comes to the Telegraph office which prepares an advice in duplicate. One copy comes to the General Post Office and the other goes to the office of payment which may be anywhere in India. Our duplicate is filed. The office of payment on receipt of the duplicate advice prepares a Telegraphic Money order receipt. Exh P 1514 is an example. This receipt contains the number as advised by London office, the date of the original issue in England, the name of the office of issue, the name and address of the payee, the amount in Indian currency as advised by the Bombay telegraph office; these are in the top half. The lower half is headed Telegraphic Money order acknowledgment and is for the purpose of the payee's acknowledging payment. The number, date of issue and amount are repeated on the front and the sender's name and office of issue on the back. This form is sent out with the money through a postman and the amount is paid to the payee or to whomsoever he directs. After payment the lower half of the Telegraphic Money Order acknowledgment form is torn off and generally is sent to the Bombay General Post office as being the office of exchange. There it is filed with the duplicate advice. That finishes the matter for the post office. The top half is sent by the office of payment to the Audit office where it is filed.

Exh P 1514 is Telegraphic money order Receipt in respect of a remittance of Rs 527 and annas 8 from Mrs. Bradley London on 12. 3. 29. to B. F. Bradley.

Exh P 1515 is Telegraphic money order receipt in respect of Rs 527/8/ from Mrs. Bradley London on 12. 3. 29. to B. F. Bradley. These 2 Telegraphic money orders have consecutive London numbers which appear to show they were issued at same time and was probably because they together exceeded the total of £ 40 which is all that can be sent in one Telegraphic money-order.

Exh P 1520 is the telegraphic advice and Exh P 1521 is the

telegraphic money order receipt in respect of Rs 395/10/- sent by Bradley London to B. F. Bradley on 21. 12. 27.

Exh P 1516 is the telegraphic advice and Exh P 1517 is the telegraphic money-order Receipt in respect of Rs 131/14/- sent from London on 15. 12. 27. by R. P. Arnot to Mr. Philip Spratt c/o Kishori Lal Ghosh Calcutta.

Exh P 1518 is the telegraphic advice and Exh P 1519 is the telegraphic money order Receipt in respect of Rs 527/8/- sent from London on the same date 15. 12. 27. by R. P. Arnot to Philip Spratt to same address. It is another example of the limit being exceeded apparently.

Exh P 1522 is the telegraphic advice and Exh P. 1523 is the Telegraphic money-order Receipt in respect of Rs 527/8/- sent from London on 21. 12. 27 by Bradley to B. F. Bradley at Bombay.

Exh P 1524 is the Telegraphic advice and Exh P. 1525 is the Telegraphic receipt top half and Exh P. 1526 telegraphic money order acknowledgment lower half in respect of Rs 530 sent from London on 14. 3. 28 by L. C. Bradley to B. F. Bradley at Bombay.

Exh P 1527 is the telegraphic advice and Exh P 1528 is the telegraphic money order Receipt top half and Exh P 1529 the acknowledgment lower half in respect of Rs 530 sent on the same date from London by L. C. Bradley to B. F. Bradley Bombay. This appears to be another case in which the whole amount exceeded the limit for a single telegraphic money-order. The London numbers are consecutive. Exh P. 1530 is the telegraphic advice and Exh P 1531 the telegraphic money order receipt in respect of Rs 527/8/- sent from London on 12. 6. 28 by R. Arnot to P. Spratt c/o Kishori Lal Ghosh Calcutta.

Exh P 1532 is the telegraphic advice and Exh P 1533 the telegraphic money order receipt top half and Exh P 1534 the acknowledgment lower half in respect of Rs 527/8/- sent from London on the same day 12. 6. 28 by Bradley London to B. F. Bradley Bombay.

With regard to ordinary Foreign Money orders received in India from outside the procedure is as follows. The Bombay General Post Office as office of exchange receives advice by mail and on that makes out a sterling money-order form mentioning both the Indian and foreign currency and sends that form to the office of payment. This form contains among other details the name of the remitter and the payee.

Exh P 1533 is a money order form so prepared in Bombay in respect of a sum of £ 20 that is Rs 265 sent by Max Ziese, Berlin to Herr Muzaffar Ahmad Bengal Peasants Workers Party, Calcutta. Bombay date of issue is 15. 6. 28. It was not paid to the payee, whose signature is not on the receipt.

Exh P 1536 is a similar money order form in respect of an exactly similar sum sent by the same remitter to S. V. Ghate Bombay. Bombay date is the same and this also appears not to have been paid.

Exh P 1537 and P 1538 similarly relate to sums of £ 20 each sent by the same remitter to Muzaffar Ahmad and Ghate at the same addresses. Bombay date of each is 5. 7. 28. Both appear to have not been paid.

Similarly Exhs P 1539 and P 1540 are Bombay Foreign money order forms relating to sums of £ 20 each sent by the same remitter to Muzaffar Ahmad and Ghate respectively at the same addresses. Bombay date is 21. 7. 28 for both. Both these also appear not to have been paid.

Exh P 1541. Foreign money order form relates to a sum of £ 5 sterling sent by L. C. Bradley London to B. F. Bradley Bombay and paid to the latter on 18. 5. 28.

Exh P 2519 now shown to me is an inland telegraphic money order receipt top half for Rs 30 sent to S. V. Ghate Dwarkadas Mansions Sandhurst Road on 30. 8. 28 from Calcutta and paid to S. V. Ghate on 1. 9. 28. (Formal objection to a new document being put in at this stage by Mr. Sinha). There is a space on foreign telegraphic money orders for a message. Some of these telegraphic money-orders bear messages.

XXN. For Joshi and others. I was 2 years in the Bombay General Post office. I have never worked in the Bombay General Telegraph office. I never personally dealt with any of these money-orders at any stage. Nor was I in any of the offices of payment from which any of these amounts was delivered. I have dealt with a large number of foreign telegraphic money-orders myself at other offices. The message coupon is cut off the telegraphic money-order form and given to the addressee. It is transferred to the telegraphic money-order form from the advice. The general practice is to send the acknowledgment form to the Bombay office as office of exchange but sometimes the office of payment files it instead. In the office of exchange such forms are kept for 3 years. My statement in the Lower court that the acknowledgment form is to be filed in the office of payment is a mistake. I was asked in the Lower Court to produce the acknow-

ledgment forms of these money-orders filed in the office of exchange. Exh P 1516 is on the Indian Radio Telegraph form and bears stamp of the Central Telegraph office and word Mandat stamped there to indicate that it is a foreign telegraphic money-order. The amount in rupees is stated in code and decoding in ink is done in the General Post Office. In Exhs P 1520 and P 1522 the decoding had been done by the Central Telegraph office and in P 1524 and P 1527 by the foreign exchange department of the General Post office. The reason is that P 1520 and P 1522 are original advices sent to the office of payment that is the paying Money Order Department of the Bombay General Post Office. The other 2 are duplicates sent to the office of exchange by the Central Telegraph Office. The explanation of the word COPY on P 1520 and P 1522 is that the advices are originally in duplicate by carbon. One copy is kept in the Central Telegraph Office and the other goes to the office of exchange. If the office of payment is in the same locality a copy is prepared in ink and sent to the office of payment. If the office of payment is not in the same locality the advice is telegraphed. My source of information is the rules published in the Post and Telegraph Manual, and my own experience in charge of ordinary combined offices, and in the General Post Office.

Sd. R. L. Yorke

14. 10. 30

XXN. Continued on S. A. For Joshi and others. I know. I brought some of these papers to the Lower Court, for instance, Exhs P. 1526 and P 1529 and possibly some others. The rest were shown to me in the Lower Court at the time of my examination. In the case of some of these Telegraphic Money Orders the acknowledgment form is not here. It has probably been filed in the office of payment. The order so far as I remember which I received was to bring the documents in my possession relating to certain matters mentioned in the summons. It would not be correct to say that P. 1524 and P. 1527 are copies prepared from the original for the purpose of this case. I might add that these 2 telegraph advices bear signature of the clerk in the Foreign Exchange department of the General Post Office who received them from the Central Telegraph Office. His name is I think Modak. There is nothing to indicate who wrote these advices. There is nothing in the ordinary sterling money orders P. 1535 to P. 1540 to indicate why they were not paid. A possible cause is that the Government asked the Post office to detain or the addressee was not traced. In cases where Government orders detention we receive an intimation from the Secretary to Government. Nobody else is empowered to instruct the department to detain. Government instructs us to detain articles or Money Orders.



addressed to certain persons. There is no list. Now and then we receive such orders. About June 1928, I remember seeing such orders from Government regarding detention of Money Orders addressed to Muzaffar Ahmad and Ghate. I don't know how long the orders were in force, or whether the orders specified a period. I don't know if the order extended to Inland Money Orders as it was not my department. The forms were handed over to Government but no money. Detention is done under the rules. There is a rule in the Postal guide. In those cases we simply report non-payment to the country of origin without giving reasons. It is done in the ordinary course of business and I can't say if I personally made the report in these cases. The amount remitted is again credited back to the country of origin by adjustment of account. The payee is not informed. The original form filled in by the sender is retained in the country of origin. Rules do not require identification of the remitter of a money Order in India. The telegraphic messages are received by employees of the telegraph department which is also my department, or by the employees of I. R. T. (Indian Radio Telegraphs) who are licensed agents of the telegraph department. I have no knowledge of the interception of letters at the General Post Office. I have had some experience of it elsewhere. There is no rule in the postal guide about it. Both incoming and outgoing letters may be intercepted under the orders of the Government. Selection is done by postal officials. I have not had experience of a case in which a police officer came and asked for particular letters which had been posted. Instructions for interception come almost always from Government so far as Bombay is concerned. We don't keep any list to show interception of unregistered articles. In the case of registered articles an entry is made in the registered abstract as we have to account for all registered articles. Where a registered article is intercepted and withheld no intimation is given either to the sender or the addressee. It is not our business to do so, so we keep no account to see how many intercepted unregistered articles are returned for being put in course of post. Examination of intercepted letters does not take place in the General Post Office and there is no room for the purpose. It may happen, that the intercepting police officer returns some articles straight away without taking them away from the office. I don't know Sergeant Littlewood. I was a member of the All India Postal and Railway Mail Service Union. It holds conferences in different places in India annually or half yearly. I only attended them in Madras but can not say the year.

By Bradley accused. Telegraphic Money Orders P 1514 and P 1515 must have reached Bombay by 14-3-29 as they bear Bombay stamp of that date. Instructions to detain must have been received, otherwise the amount would have been paid at once.

No reason was given. None ever is given. I dont remember whether I received orders for detention relating to any accused before June 1928. The selection of letters that is picking them out is not done by the police but by postal officials.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

(Sd.) R. L. Yorke

15-10-30

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## P. W. 211

*Inspector S. G. Achrekar on S. A. No. 131 in Lower Court.  
In English.*

On 20-3-29 I was in Bombay and arrested S. V. Ghatge accused acting on warrant Exh P. 1291. That is he in Court. At the same time I searched his room at 17 Dwarkadas Mansions Bombay. Exh P. 1992 is the search warrant on which I acted. I was accompanied by 2 search witnesses H. R. Joglekar and Narain Ganesh Bhagwat. Ghatge accused was present throughout. I prepared a search list Exh P. 1293 for the search of his personal property in that room. It bears my signature and those of the witnesses. I and the witnesses also initialled all the documents found and seized.

After that I searched the office of the Workers and Peasants Party Bombay in the same room acting on warrant Exh P. 1331. I had the same witnesses. I prepared a search list Exh P. 1332. Both search lists correctly record the articles found and seized. I and the witnesses signed Exh P. 1332 and they and I initialled all the papers seized.

In the personal property search I recovered the following documents Exhs P. 1294 to P. 1300, P. 1302 to P. 1310, P. 1312 to P. 1320, P. 1322 to P. 1330. In the Workers and Peasants Party office search the following documents were recovered namely: Exhs P. 1333 to P. 1346, P. 1348, P. 1346 (2) to (8) P. 1348 (10) a

and b, P. 1348 (11) to end, P. 1349 to P. 1354 (1) E, P. 1354 (3) and (4), 1354 (6), P. 1355 to P. 1373 (11), P. 1373 (13) and (14), P. 1373 (16) to P. 1375.

XXN. Tomorrow.

(Sd.) R. L. Yorke

15-10-30.

XXN. On S. A. For Joshi and others. I would not be able to give evidence as to the particular condition of any exhibit at the time of its recovery. The search lasted from 6 a. m. to about 2-30 p. m. I took away almost all the papers I found in that room. I had another officer helping me in the examination of documents. I cannot now remember whether I left behind any books, printed books or exercise books. I don't think I could have left any exercise books unless there were blank, I was not searched before I entered the room, nor were the search witnesses. The first person I met at the room was Ghate accused. I asked the search witnesses to search us but I am not now in a position to remember whether they did so. I don't remember their doing so. Among the papers recovered was that marked P. 131 i D. Joglekar, D. 512, D. 513, D. 514, D. 515, D. 516 of which the last 2 were in the Workers and Peasants Party search.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

(Sd.) R. L. Yorke.

16-10-30

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## P. W. 212

*L de Souza Deputy Inspector of Police, Bombay, No. 129 in Lower Court. In English on S. A.*

On 20-3-29 I searched the room of Appoji Narain Rao in Girgaon road Bombay. I was accompanied by Madho Rao, M. Suratkar and Venkatesh Pandurao Shergaonkar. Appoji Rao was

present during the search. Exh P. 1282 is the one on which I acted. I prepared a searchlist Exh P 1283 which is signed by me and by the search witnesses and correctly records the documents found and seized. I and the witnesses also signed or initialled all the papers found and seized. In this search the following papers were found and seized namely: Exhs P 1284 to P 1287 (6), P 1287 (11) and (12), P 1287 (14), P 1287 (16), and P. 1288.

In 1927 I was officer in charge of Passport branch of the Bombay police, Criminal Intelligence Department office. Exh P. 1290 is an application for passport presented to me by S. V. Ghatge and dated 5-4-27. It was presented to me to be put before the Deputy Commissioner of Police Special branch Criminal Intelligence Department. I identify Ghatge accused in Court. I put this application before the Deputy Commissioner who forwarded it to the Government which rejected the application.

XXN. For Joshi and others. As I said in the Lower court there are 3 ways of getting a passport in Bombay; the first is to apply direct to the Passport officer of the Bombay Government. The second is to get the application countersigned by a Justice of the Peace and then take or send it to the Passport officer of the Government. The 3rd is to get it countersigned by the Deputy Commissioner of Police special branch who either himself sends it or gives it back to the applicant to take or send it to the Passport Officer. In the 3rd case the application is presented to me and I submit it to the Deputy Commissioner of Police. Exh P. 1290 does not bear my signature or initial anywhere. I don't remember if I had anything to do with the similar application of Nimbkar Exh P 1508.

By other accused Nil.

REXXN. Nil.

Read and admitted correct.

(Sd). R. L. Yorke.

17-10-30

## P W 213

*H. R. C. Joglekar on S. A. No. 132 in Lower Court. Searchwitness of Ghate's search. Tendered by Prosecution for cross-examination. In English.*

XXN. By Nimbkar accused. I live at 190 Girgaon Back road, Bombay. My office is at Byculla. My residence is close to Contractor buildings. I am not a member of Brahman Sabha, Hindu Mahasabha or any other body. I saw 2 signboards when I went for this search. One on the ground floor and one outside the room near the staircase. To court. They both had on them so far as I remember something like Workmen's and Peasants Party. I do not attend public meetings, not because I am a Government servant but because I do not like to do so. I have seen Nimbkar accused more than once. I did not know what activities he was carrying on. I generally go to office by the Lamington Road side.

By other accused. Nil.

REXXN Nil.

Read and admitted correct.

(Sd.) R. L. Yorke.

17-10-30.

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## P. W. 214

*Dr. M. M. Sarathkar on S. A. No. 130 in Lower Court Tendered by prosecution for cross-examination. In English.*

XXN. For Joshi and others :—

I know Appojee Narain Rao and was a searchwitness at the search of his house. I think he is still in Bombay. I last saw him some 4 months ago. I know a tribe called Mang-garori. They are considered to be members of the Depressed classes. I was present at the opening of a temple at Naigaon Chawl for the spiritual uplift of that tribe. I know Jhabwala accused in Court. He took a prominent part in the movement for the uplift of this class.

He was mainly responsible for the establishment of this temple. He made a speech at the ceremony of its opening.

By Alwe accused. I have been 20 years in Bombay. I have visited a mill and been inside it as a visitor. I edited a paper called 'Savadhan'. I dont remember whether in March or April 1927 I wrote an article : entitled Oppression of workers by owners. Possibly I received complaints of millworkers and printed them. I did not write any articles on the strike in my paper though I published the news. I know one Dbondu Mukand Deshpande who contributed articles to my paper. Dont know if he held meeting in the mill area. I have known Alwe accused for a long time. I never wrote an article in my paper saying Alwe was a fool and people must strike and Alwe was a fool in opposing it. I am a worker of the Hindu Mahasabha. The Mahasabha did not to my knowledge receive any complaints of troubles between Hindu and Mohammedan workers. I have never arranged any meeting in the mill area about Hindu-Muslim question.

By Nimbkar accused. I have known Nimbkar accused 10 or 12 years. I knew him as a student and as editor of Young Collegiate. In 1921 he was editing a Marhatti weekly called Nagrik (Citizen). He was then in the Gandhian movement. I was present at a meeting at Shantaram's chawl under presidency of Tilak when Bombay students welcomed Lala Lajpat Rai. I saw Nimbkar and Dange taking prominent part in presentation of address. I went as a visitor to some of the conferences of the Bombay Presidency Students Federation. Nimbkar was a secretary of it at that time. I visited Poona on a few occasions in 1922, 23, and 24. Nimbkar was then the Secretary of the Maharashtra Provincial Congress Committee. In 1924 and 25 Nimbkar was editing another Marhatti weekly called Swadesh (My country). In 1926 he was taking part in Congress activities and in 1927 he was Secretary of the Bombay Provincial Congress Committee. I saw Nimbkar and Joglekar accused at a meeting of the All India Congress Committee at Bombay, in May 1927. I attended the Calcutta session of the Indian National Congress in December 1928 but not the Gauhati or Madras ones. I was present at all the meetings of that session. I have seen paper D. 163 before. It is the official report of the Congress Session. I remember that a resolution was passed empowering the Working Committee to send a delegate to the Congress of the league against Imperialism. I have refreshed my memory from the record on page 94 of the Report. I also remember that a resolution in regard to War Danger was moved by D. Ansari. The text of the resolution on page 95 of the report is correct. (Crown Counsel here suggests that the fact that the passing of resolutions of this type by the

Congress is irrelevant. The evidence is defended and the question of the relevance of this kind of evidence is left over for the present.)

During the 1928 strike I visited the mill area a few times. I remember that in early 1929 on one occasion I had a talk with Nimbkar accused about the oil strike when he asserted to me that he had always been trying for a settlement, but settlement was prevented by the Government and the owners. He also told me that he wished to see the Governor in the matter.

By other accused. Nil.

REXXN. Nimbkar accused did not tell me how he had attempted to effect a settlement, or how Government had prevented it; I cant say if he told me how the employers had prevented him settling the strike. He told me many things. I cant describe them all now. This talk was at the corner of Girgaon road, near my house. I did not see a good deal of Nimbkar during the oil strike but saw him only 2 or 3 times. (Crown Counsel asks 'Did you yourself see anything of Nimbkar accused's activities during the oil strike? Mr. Sinha objects that the question does not arise in REXXN. Crown Counsel withdraws the question but asks that it be recorded.)

Read and admitted correct.

(Sd.) R. L. Yorke

17-10-30

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Saraswati Machine Printing Press, Meerut U. P. India.

# P. W. 215

*Inspector M. N. Desai. On S. A. No. 215 in Lower Court.  
In English.*

I am in the Special Branch Bombay and have been in Police some 14 years.

Exh. P. 1939 P. is a photographic copy of a telegram sent by Jhabwala accused. I went with a photographer to the Central Telegraph Office Bombay and got it photographed. That was on 29. 9. 28.

On 24th April 1927 I attended a meeting of the Students' Brotherhood in Bombay at which Spratt accused delivered a speech on Revolution and India. I did not take any but mental notes. I saw in the Indian National Herald next day an account of that speech. I read it and thought it to be a substantially correct account. After the meeting I submitted a report on the speech from my mental notes. P 1941 is a copy of the published account which I submitted with my report having cut it out of the Indian National Herald. On 22. 1. 27. I attended a Lenin Day meeting at Bombay in Marwari Vidyalaya Hall about which I made a report next day. Exh P 1942 is the report I made to the Deputy Commissioner. The writing in the margin on front and back of page 1 are in the hand of Mr. Jacob the Deputy Commissioner. I saw in the meeting Joglekar, Ghate and Jhabwala who presided. Jhabwala made a speech from the chair and Joglekar also spoke. I took some notes of what was said and embodied them in my report. Such notes are sometimes kept and if so must be on the file. Sometimes they are destroyed. I think these particular ones are on the record of our office. The typed portion in this report is mine. I know all the above accused.

I also know Ajudhia Pershad accused. After June 1927 I tried to trace him and searched for him in connection with shipping as a member of a crew. That was because of the information I had received. I searched for him in the beginning under the name of Ajudhia Pershad but in September in consequence of other information I began to look for him under the name of Abdul Hamid. I then ascertained that one Abdul Hamid had been taken as a coaltrimmer in the S. S. Elysia which sailed on 5. 9. 27. I actually met Ajudhia Pershad when he was returned as a deserter from a ship. Information having been received that he was coming back on S.S. Razmak the Shipping office instituted proceedings and got summons issued. The charge was that he had signed on to go to England and had actually deserted at Marseilles, it was



under section 100 of the Indian Merchant Shipping Act. I went to the Shipping Office where he was brought on arrival and there served on him the summons P 1943. Ajudhia Pershad signed the summons in my presence and P 1943 S is the signature he then made, in the name of Abdul Hamid. I also got from him then a receipt for the summons Exh P 1944 which he signed in my presence with the signature Exh P 1944 S. I myself went to the Chief Presidency Magistrate Mr. Dastur's Court where accused Ajudhia Pershad made a statement, of which Exh P 1945 is a true copy. I heard him make that statement. That was on 16. 3. 28.

Ajudhia Pershad came to the Deputy Commissioner's office in June 1928 and I saw him in the presence of S. I. Kothare and Deputy Inspector Chaudhri. He complained to me that a police watcher who was shadowing him was troubling him much. That was the last I saw of him.

I was in Bombay at the time of the Simon Commission's landing in October 1928. Exh P 1946 and P 1946 (1) were sent to me by Sir John Simon's secretary. (Mr. Sinha objects to P 1946 (1) being received as proof of the telegram actually sent. The prosecution do not tender it as such but as the enclosure sent with his letter by the accused).

On 15. 9. 27. I arrested Spratt accused at the office of the Workers and Peasants Party Bombay. I searched his person. Diary Exh P 1947 was then found on him. I then went with him to Watson's Hotel where he said he was living. I found there in his room his suitcase and another box which were there sealed up in his presence.

Sd/- R. L. Yorke.

17-10-30.

Continued on S. A. They were then taken to the Criminal Intelligence Department Office. These boxes were opened on the 11th October 1927 in the Criminal Intelligence Department office in the presence of a solicitor's managing clerk, Mr. Nasirali clerk of Mr. Rustomjee Ginwalla. Certain documents were found inside the box and suitcase and also clothing and also 3 bottles of chemicals. They were labelled Tincture of Iodine, Hydrogen Peroxide, and Vegetable Oil. An inventory was made of all these things. 6 files containing important documents were retained and the bottles. The rest were returned to Spratt accused. The original inventory was kept in the Criminal Intelligence Department office and another sent to Spratt and a 3rd given to Mr. Nasirali the clerk. The documents and the inventory were brought here. (To some of these papers Mr. Sinha states he will

object on the ground of their having been used in the Bombay case. He has not got his list ready as yet). Exh P 2520 is a copy of that inventory. I am quite sure those 3 bottles were labelled. Some of those documents were used in a criminal prosecution of Spratt accused. Those are Exhs P 1948 (1) to (4) and P 1949.

The house of one Appojee Rao was searched because we had information that it was a cover address for letters to Ghate. I have myself in the course of interception of letters come across cases in which it was so used. Exhs P1986 series, P1987 series and P1988 series are declarations made the first by M.G. Desai as Editor and printer of Spark, by Shaukat Usmani as printer, publisher and editor of Pyam Mazdur and by H. L. Hutchinson as editor, printer and publisher of the New Spark.

(Mr. Sinha objects to the 3rd on same ground as to speeches of Hutchinson after 20. 3. 29). With each there is a covering letter and on each declaration I recognise the signature of the Chief Presidency Magistrate Mr. Dastur.

I know one Fazl Elahi. I arrested him on 5. 4. 27. on a report given to me by Sgt. Littlewood. His report was that on the night previous he saw Fazl Elahi talking to Spratt accused. After they separated he followed the man and questioned him when he gave his name as John Charles. Afterwards the man admitted his name was Fazl Elahi.

Exh P 1940 and P 1940 (1) 2 documents which were found in one of Spratt's files when he was first searched on 6. 9. 27. That was before his actual arrest. Exh P 1859 and E is a letter which was intercepted by Sub Inspector Kothare. After he had typed a few lines he saw there was something between the lines and called my attention to it. I took the letter at once to the Deputy Commissioner Mr. Jacob. I pointed out to him my suspicion of writing between the lines. Mr. Stott was with Mr. Jacob at the time I left the letter with them. Next day I was called in by Mr. Jacob who was alone. I saw Mr. Jacob apply some chemicals to the letter whereupon the yellowish writing now visible came into view. I dont know what chemical was applied. Mr. Jacob has retired on proportionate pension owing to illness and is in England (Mr. Sinha objects that the facts as to how the invisible writing in Exh. P. 1859 was discovered have been elicited at a very late stage.)

If those 6 files recovered on 11. 10. 27 were found the following papers namely Exhs P. 1950 to P. 1985.

XXN. Reserved for next day. Rest of today for exhibits.

Sd. R. L. Yorke.

18. 10. 30.

XXN. For Joshi and others. With reference to P. 1941 I remember that there were 1 or 2 press reporters present at that meeting. No Government shorthand reporter was present. If political meetings are considered to be of importance Government shorthand reporters are sent. The Deputy Commissioner in special branch decides the matter. I was seated straight in front of the speaker and the press reporters were to one side on this occasion. A reporter of the National Herald was present but I dont know his name. There was also a representative of the Bombay Chronicle. I used to read the National Herald regularly at that time. I knew a number of men on its staff. Desai accused was working there after his return from England. I saw him doing so. I saw at least one or 2 advertisements of the Spark like that shown to me on page 7 of the issue of The Indian National Herald dated January 24, 1929. I am not certain but think I saw a similar advertisement in the Bombay Chronicle.

I attended the Lenin Day meeting on 22. 1. 29. at which Usmani accused presided. I saw Desai accused there but I cant say if he was reporting that meeting on behalf of the National Herald. He was seated among the reporters. To Court. I dont know whether he was working for the Indian National Herald at that time or not. To Counsel. I dont know who was reporting that meeting for the Indian National Herald. There were 4 or 5 reporters there. I think I saw similar election manifestoes to that on page 5 of the issue of Indian National Herald dated 25. 1. 29 in the Bombay Chronicle also. I saw reports of the Lenin Day meeting in other newspapers such as the Times of India, Bombay Chronicle etc. I only attended 2 Lenin Day meetings namely those in 1927 and 1929. I never attended any Mayday meetings. The report I submitted with P 1941 must be on the record of my office. I prepared my report next day, before reading the newspaper report. I submitted the newspaper report because it is fuller and more accurate and the reason of that was that for my own report I was depending on memory. By substantially correct I did not mean that any thing in it was incorrect but that all the main points of the speech had been correctly reported. I also found the report of Mr. Hehrally's speech contained in P. 1941 substantially correct. I cant say now whether the word used in that report are the words of the speaker or those of the reporter. I cannot now say in the case of Sparrt's speech whether the words in P. 1941 are those of speaker or of the reporter. At that time my memory was fresh. I heard everything Sparrt accused said at that meeting. It was not one of my reasons for submitting the Indian National Herald report that I had not been able to hear Sparrt accused properly, or to understand him. I often submit newspaper reports along with my own report of a meeting I submitted one from the Indian National

Herald or Bombay Chronicle along with my report Exh P 1942 of the Lenin Day meeting. That report was better i.e. fuller than my report. In Exh P 1942 the writing in the margin is by Mr. Jacob and also the corrections in the body. The reason of them is that such reports are curtailed and submitted to Government in a concise form. These corrections etc., were not made in my presence, or in consultation with me.

I have never attended any meeting of the Bombay Provincial Congress Committee. We are generally not allowed. Nor have I attended any meeting of the Congress Labour Party. I came to know directly of its organisation at this meeting when Mirajkar accused announced that this meeting was held under the auspices of that party. He did not tell us how it was formed. The statement that the Congress Labour Party was started by the Communist elements in the Bombay Provincial Congress Committee was my own comment and was based on indirect knowledge.

I do not remember noticing a book like D. 302 in Jhabwala accused's hands on 22-2-27.

I do not know whether Abdul Hamid or Ajudhia Pershad was ever searched at the time of his going on an outward voyage from Bombay. There is a Maritime Inspector, a police officer, at the Shipping office. I don't know his duties. Ajudhia Pershad was not under arrest when I served summons on him. He was taken straight to the Magistrate's Court from the Shipping office because the summons was returnable on the very day. I had sent Sub Inspector Kothare to see whether Abdul Hamid came by that boat. Abdul Hamid was not searched in my presence on conviction or at all. It was the duty of the police of Esplanade Police Station. I sometimes take a receipt for summons but not always. I looked for Ajudhia Pershad as a coaltrimmer on account of certain information. I made inquiries at the shipping office and from 'sarangs'.

I received Exh P 1946 by post. I made no inquiry at the Simon Commission office or if Sir John Simon's secretary about this letter. The letter was sent to our office in reply to a reference by our office. I made no inquiry of Mirajkar accused about this letter. I made no inquiry to ascertain whether the enclosure Exh P 1946 (1) was made by Mirajkar accused or made in Sir J. Simon's office. The photographer with whom I went in connection with Exh P 1939 P was the police photographer. I received my orders from the Deputy Commissioner. In the course of my duties I have conducted many house searches and prepared many searchlists. The searchlists are signed by me, and the witnesses. Exh P. 2530 is not a searchlist but an inventory of belongings found and handed over to me on his arrest by Spratt accused. It does not bear

Mr. Nasir Ali's signature either. That is not the practice. The inventory does not bear the signature of any police officer. It was not filed in Spratt accused's 1st trial. I was assisting the prosecution in that case also. As far as I remember no list was filed by the prosecution in that case. The contents of those 3 bottles were not given in the list because the Deputy Commissioner decided to send them to the Chemists Thomson and Taylor. The reason was that we wanted to test whether they were really what was described in the labels. None of the other chemicals were sent for analysis. A report came from the Chemist and must be in our office. No inventory was made of what was in the 1st Aid Case. Of the papers Exhs P 1950 to P. 1985 none so far as I recall was used in evidence in the 1st case, but Exh P 1967 is a copy of one. The original is an exhibit in that case. Exh P 1975 is a copy which was found with Spratt accused in my search. It is one of the papers found in the 6 files mentioned in the inventory. The original used in that case must have been found in the Young Men Christian Association search. The original inventory was in pencil and 4 copies were made then and there in our office. Exh P 2520 was not made later for this case.

I never met Fazl Elahi before the occasion on which I arrested him. I was on the lookout for him before that. I made some inquiries about him at the workshop at which I arrested him. I made no other inquiries about him. I recorded his detailed statement.

I gave no evidence about Exh P. 1859 in the Lower Court. I dont know what the chemicals were which were applied to it by Mr. Jacob. There were 2 bottles. After the letter was fully deciphered it was given to me to send copies to the Director Intelligence Bureau and other places. There is no note in my office showing what portion of the invisible writings was visible before the chemicals were applied. I have spoken from memory on that point. I dont know why Mr. Stolt was with Mr. Jacob when I took the letter to Mr. Jacob. No 3rd person was present when the chemicals were applied. Mr. Jacob fell ill in 1929 and went on long leave. Summonses were issued to him from the Lower Court to get him to give evidence about this letter. I did not take part in the search of Appoji Rao's house. His search was on 20-3-29. Some of the letters addressed to Ghate under cover of Appojee Rao were withheld and some reposted. I cant say how many were withheld.

I was present when Mr. Horton examined my records in Bombay. I simply showed him all the records. I was not on special duty. He was there about 3 weeks in 1928, in September. He did not take statements of any witnesses. Nobody but myself

worked with him. I have been working in the prosecution office in this case from time to time, I was here for 6 months in the Lower Court from April to September 1929. This year I came 2 months ago only. My duty is not I think to give instructions to prosecution but to give them anything about Bombay for which they ask. I have also to explain documents relating to Bombay accused.

Sd. R. L. Yorke

8.11.30

XXN. Continued on S. A. It was part of my duties to collect information about Communist activities in Bombay. I had staff, a Deputy Inspector and Sub Inspector. That work was taken up by the Department in 1920. I attend myself as many meetings as I can at which Communist speeches are expected to be made. I attended about 6 meetings in 1923. I deputed my officers each to about the same number, i. e. half a dozen. I made no inquiries and had none made from the Mill Owners Association or any similar employers association. Nor did I make inquiries of individual employers. No such inquiries are made in my branch. I don't know if other branches make some inquiries from employers. There are other officers whose duty to watch labour activities. Rao Sahib Patwardhan, Deputy Inspector Hasan Ali were on that work in 1928. I was not asked for any report on Communist activities in 1928 and don't know of anyone else being asked for one. K. B. Tasadduq Hussain also came to Bombay in 1928 to inquire about Communist activities. I assisted him also. It was in September-October. He examined office records and not persons. He was with Mr. Horton. I was not sent anywhere outside Bombay in 1928 or at any time to get information in relation to Communist activity. As far as I know no one was so sent. Communist letters intercepted at Bombay are sent to my department by the Censoring officers. I and my staff examine them and put them up for orders to Deputy Commissioner. Beyond the Government orders my department did not issue any special instructions. I never had general powers to intercept any letter I suspected. I know accused Desai's family also. At the time of Desai's return to India his father owned a house and some property. His wife is a well-known lady doctor, and is employed in the Cama Hospital.

By Nimbkar accused. In course of my duties I visit the office of the Bombay Provincial Congress Committee. I have there made inquiries about Congress activities from Nimbkar and Joglekar accused. The Bombay Provincial Congress Committee had sub-committees to work on different items of the Congress programme. One of these was a Labour Sub Committee, and also a propaganda sub-committee, and an estate sub-committee. The

Lenin Day meeting of 1927 was under the auspices of the Labour Sub Committee of the Bombay Provincial Congress Committee. The Lenin day meeting of 1929 was held under the joint auspices of B. P. C. C. and the Workers and Peasants Party. I know the Institution known as the Students' Brotherhood in Bombay. Mr. M. R. Jayakar was until recently its President. That Brotherhood arranges annually a programme of lectures and conversational meetings covering a period of about 3 months. It invites scholars, professors and well-known persons to deliver these lectures, also visitors from foreign countries. The names of some High Court judges and principals of colleges used to be on the list of patrons and life members up to 1928. I don't know anything about it after the end of 1928.

On his arrival Sir John Simon invited public opinion through the Press. At that time I guessed from the examination of my records that something was going to be done. Mr. Khairat Nabi was present at the time of the inspection of records as a legal adviser. He used to come to office independently of Mr. Horton but they used to meet in the office. He also stayed some 3 weeks in Bombay.

I have attended a number of public meetings in all parts of Bombay except the labour area. I used to watch the activities of the Bombay Youth League. I was on about 2 months leave in December 1927 up to February 1928. I returned on 3. 2. 28. I attended a meeting called by the Bombay Provincial Youth League to protest against the raising of college fees. It was probably in 1927. I can't recall who the speakers were. I also attended some Youth League meetings in regard to the Bardoli agitation. I can't recall the speakers there either unless I see my reports. I don't know if those reports are here. I was not present at the Inaugural meeting of the Youth League. I attended the lecture given by Mr. Saklatwala at the Congress' House in January 1927. That meeting was under the auspices of the Bombay Provincial Congress Committee. I also attended a meeting under the auspices of the Marwari Yuwa Sangh at Hira Bagh at which Saklatwala spoke and was present with a purse. Saklatwala was given a purse of about Rs. 150 which he said he would give to the Workers and Peasants Party. Vijai Singh Mota was the chief organiser of that meeting. I think he spoke.

I attended a meeting of the All Parties Conference held at the Jinnah Hall in May 1928. Nimbkar accused was in authority there organising the conference. I received my pass from the Bombay Provincial Congress Committee. Nimbkar accused was taking part in the Conference. Nimbkar's name was proposed for the Nehru Committee.

A conference took place on the evening of 1st May 1927 at Congress House but I was not admitted. On the following day I saw in the Bombay Chronicle the Manifesto published on page 7 of issue of 2-5-27. I saw some of the signatories of that Manifesto going in or coming out of the conference the night before; I remember Sir Nivas Iyengar Nariman, Velkar and also accused Nimbkar and Joglekar. I attended a meeting in 1927 organised by the Bombay Provincial Congress Committee after the All India Congress Committee meeting, to protest against sending of Indian troops to China. I attended a meeting in Congress House after the release of Mr. Dange. It was a reception held under the auspices of the Congress.

I was present at most of the public meetings of the Youth League. The persons who took a prominent part were Y. G. Mehrally, Miss Bhesania, Mr. Nariman, Mr. Baloobhai Desai, A. R. Bhatt who was propaganda secretary and Mr. Kabadi. I never heard Nimbkar accused speak in any of the Youth League's public meetings. I don't remember to have heard Bradley or Mirajkar or Dange or Joglekar speak at any of the public meetings of Youth League on Bardoli. I met one or 2 of them near the hall where the meetings are held before Bardoli meetings. I can't say anything from memory about the other accused named at meetings other than Bardoli meetings. The Bombay Provincial Congress Committee celebrates annually the anniversaries of various great men.

By other accused. NIL.

REXXN. I attended most of the Youth League meetings at which the Bardoli affair was discussed but not all of them. When Spratt accused was in Jail as an undertrial prisoner he wrote to us to return to him the things he had made over to us. We therefore sent for a representative of his solicitors. [Mr. Sinha says he cast doubt not on the fact of an inventory having been prepared at that time but on the statement that Exh P. 2520 was the one prepared on that occasion as it bears no signature.] Therefore he says these questions are not admissible in re-examination. It appears to me that the circumstances in regard to the preparation of the inventory should be fully cleared up. Exh P. 2520 [1] is the letter we received. We called Mr. Nasirally to the C. I. D. office. The suit cases were in the strongroom in the office and were found sealed and were opened in Mr. Nasirali's presence. The suitcases had been in my charge from the time of their seizure to the time they were opened as above. The 4 copies of the inventory were prepared simultaneously by typing carbon copies. Exh P. 2520 is the copy kept in my file. There was correspondence subsequently in regard to the articles shown in P. 2520 as detained between us and the Solicitors.



By Mr. Sinha with Court's permission. Spratt accused was arrested on 15-9-27. A search list of the articles found on Spratt accused's person was made then. This inventory remained in my file from the time it was made. Exh P. 2520 was typed in my presence by Mr. Chaudari. The entry in ink on page 2 'Detained by Deputy Commissioner of Police Special Branch is in my hand. The handwriting at top of Exh P. 1941 is my clerk's. My entry in ink in P 2520 was because those words were in the original pencil list but had been omitted in typing the copies. All the entries about 'detention' were in the pencil original. The whole was written in pencil in the original. To Court. I compared the copies with the original pencil list and so found the omission. The pencil list was destroyed. To Counsel. So far as I know Mr. Nasirali is alive, and Mr. Ginwala's firm in existence.

Sd. R. L. Yorke

10-11-30

Read and admitted correct.

Sd. R. L. Yorke,

11-11-30

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Saraswati Machine Printing Press, Meerut. ( U. P. India. )

# P. W. 216

*Murid Hussain on S. A. No 313 in Lower Court In English.*

I am Urdu Translator to the Government of the Punjab. I have about 6 years' service. I was given certain documents in this case to translate from Urdu into English. I translated them and my translations are to the best of my knowledge correct.

Exh P 198 T is a true translation of Exh P 198 (Note. This translation was tendered in the Lower Court as P 172 T)

Exh P 183 T is a true translation of Exh P 183.

Exh P 192 T is a true translation of Exh P 192.

Exh P 205 T „ „ „ „ „ P 205.

Exh P 206 T „ „ „ „ „ P 206. (only selected pages marked with blue pencil by me.)

Exh P 207 T „ „ „ „ „ P 207. (Kirti Supplement pages 3 to 16)

Exh P 302 T „ „ „ „ „ P 302 (Pyam Mazdur of 3-3-29. Extracts as marked in margin in blue)

Exh P 303 T „ „ „ „ „ P 303 (Pyam Mazdur of 10-3-29. Extract of article by Dange on pages 1 & 2)

Exh P 322 T is a true translation of Exh P 322 (resolution at page 10 only)

Exh P 344 T „ „ „ „ „ P 344 (P 344 contains a number of similar pamphlets)

Exh P 375 T is a true translation and description of the poster Exh P. 375.

Exh P 399 T is a true translation and description of P 399 a manuscript.

Exh P 428 (12) T is a true translation of the posters 12 and 13 in Exh P 428.

Exh P 497 T is a true translation of the poster Exh P 497.

Exh P 548 (10) T is a true translation of the Urdu parts of the 1st 2 leaflets in Exh P 548 (10)

Exh P 699 T is a true translation of Exh P 699 searchlist.

Exh P 700 T is a true translation of Exh P 700 manuscript article.

Exh P 701 has been compared by me with the English appeal on the back of same poster. The Urdu version is a translation of the English appeal.

Exh P 710 T is a true translation of Exh P 710 manuscript article.

Exh P 725 T is a true translation and description of poster Exh P 725.

Exh P 741 T is a true translation of the passages marked in minute-book Exh P 741.

Exh P 742 has been compared by me with Exh P 418 and the former is substantially a translation of the latter.

Exh P 747 T is a series of translations of blue-marked passages in Urdu Kirti from May 1928 to March 1929 contained in Exh P 747.

The article in Kirti Exh P 747 the March number of 1929 headed 'Congratulations to the 1st Workers and Peasants Party Conference from the Communist International' is substantially a reproduction of Exh P 334 (2). Similarly the open letter to the Independence of India League Bengal on page 49 following of the same number is substantially a translation of the letter Exh P 2254 but in the Kirti the last 3 paragraphs have been summarised and not reproduced in full.

Exh P 754 T is a correct translation of Exh P 754.

Exh P 763 T contains a description of Exh P 763 and a translation of passages marked in blue on pages 11 and 12.

Exh P 771 T is a correct translation of Exh P 771.

Exh P 883 T is a correct translation of Exh 883, the Urdu Portion

Exh P 909 T is a correct translation of Exh P 909 Diary for 1929 extracts only.

Exh P 917 T is a correct translation of Exh P 917 searchlist.

Exh P 1087 T is a correct translation of Exh P 1087.

Exh P 1088 T is a correct translation of Exh P 1088.

Exh P 1090 T is a correct translation of Exh P 1090.

Exh P 1091 T is a correct translation of Exh P 1091.

Exh P 1101 T is a correct translation of Exh P 1101

Exh P 1403 T is a correct translation of Exh P 1403 (marked extracts from Minute book).

Exh P 1407 T is a correct translation of Exh P 1407.

Exh P 1439 T is a correct translation of Exh P 1439.

Exh P 1559 T is a correct translation of Exh P 1559.

Exh P 1560 T is a correct translation of Exh P 1560. (manuscript Notes)

Exh P 1580 T is a correct translation of Exh P 1580. (Poem etc from Pyam Mazdur dated 17-3-29.)

Exh P 1643 is an Urdu version of the Hindi portion of Exh P 1643 and its translation would be the same as that of Exh P 451.

Exh P 1688 T is a true translation of Exh P 1688.

Exh P 1879 (2) T is a correct translation of Exh P 1879 (2).

Exh P 1879 (3) T is a correct translation of P 1849 (3).

Exh P 1881 T is a correct translation of P 1881.

Exh P 1882 T is a correct translation of Exh P 1882.

Exh P 1884 (1) T is correct translation of Exh P 1884 (1).

Exh P 1884 (2) T is a correct translation of Exh P 1884 (2).

Exh P 1902 T is correct translation of Exh P 1902.

Exh P 1903 T is a correct translation of Exh P 1903.

Exh P 1908 T is a correct translation of Exh P 1908. (Extracts marked).

Exh P 1913 T is a correct translation of Exh P 1913.

Exh P 1914 T is a correct translation of Exh P 1914.

Exh P 1934 T is a correct translation of Exh P 1934.

Exh P 1937 T is a correct translation of Exh P 1937.

Exh P 1938 T is a correct translation of Exh P 1938.

Exh P 1989 T. I have not translated this but I compared it with the translation of Exh P 1991 and that translation would do equally well for this.

Exh P 1993 and the manuscript P 1993 (1) have been compared by

me with the translation of the Hindi paper Exh P 367. That translation is correct for these 2 also.

Exh P 2121 T is a correct translation of Exh P 2121 P and of P 2315 P (1)

Exh 2168 T is a correct translation of Exh P 2168 (1) P.

Exh P 2314 T is a correct translation of Exh P 2314.

Exhs P 549 (11), P 438 and P 375 are identical posters.

Exhs P 894 and P 308 and P 549 (4) are all the same.

Exhs P 736, P 495 and P 344 are all identical.

Exhs P 549 (10) and 205 are also identical.

Exhs P 712 and 207 are also identical.

Exhs P 760 and P 206 are also identical.

Exhs P 1989 and P 416 (13) are also identical.

Exh P 1406 is the same as P 725. (Kirti posters).

Exh P 1468 T is a correct translation of Exh P 1468. (Prosecution finishes except for 2 small points).

XXN. For Joshi and others. Exhs P 184, P 187, P 188 and P 189 T are correct translations of P 184 marked portions P 187, P 188 and P 189 D Gauri Shankar respectively. Exh D 383 (1) T is a correct translation of the prayer Exh D 383 (1). The note about the blank is mine. My office is attached to the Punjab Civil Secretariat. When a prosecution is to be started or they are to be considered by the Legal Remembrance speeches are sent to us by the Criminal Intelligence Department for translation. I had never translated before any of the speeches which I translated in this case. There is no register in our office of speeches translated in instance of Criminal Intelligence Department. Our office does not retain copies of the speeches which we translate. I may have translated one or 2 speeches made at Naujawan Bharat Sabha meetings this year. I dont know whether a large number of Naujawan Bharat Sabha speeches came for translation in 1927 or 1928. A brief review of every issue of Kirti used to be made in my department, and sent to the Superintendent Press office. The issues come direct from the press concerned. The extracts which I translated in this case were pointed out to me by the prosecution. I did not in such cases go through the whole of the rest of the documents.

(Sd.) R. L. Yorke.

20.10.30.

XXN. For Joshi and others. Continued. I have translated the marked passages in Exh P 206 and tender my translation. The language of Mittra accused in Exhs P 1934 and P 1937 shows that he is well versed in Urdu. It does not differ much from Urdu spoken in the Punjab. The language of Muzaffar Ahmad in Exh P 1938 shows that he is not well versed in Urdu. I dont now remember any passage which was not intelligible to me. I knew the word 'Sangh' before I was asked to translate the wording on Exh P 192. I dont remember whether I consulted a dictionary in translating it. I used Fallon's Hindustani dictionary part of the time when necessary and later Platt's Dictionary. 'Sangh' is probably a Hindi word. I did not translate the words Bandematram on that exhibit. I did not do so because it is in common use.

I would have to consult a Hindi knowing man to translate it. The Hindi translator was working here at the same time as and beside me and I did avail myself of his help. I may have done so in translating Sangh. I understand propagation to be the work of carrying on propaganda. In the 3rd extract in Exh P 302 I have translated 'ishaat' as propagation and propaganda. Mr. Sinha asks the witness: Do you agree with the definitions given in the 4th extract in Exh P 302 of Sarmayadari, Sarmaya, Malukiyat Parasti and Shahinshahiyat Parasti? The question is objected to and disallowed. In my opinion his opinion on the point is not relevant and will not shed light on any difficulty. The question is how he has translated those terms wherever he has met them.

I have always translated Sarmayadari as Capitalism and Malukiyat Parasti as Imperialism without reference to any dictionary.

The note at the foot of Exh P 322 is my note. The sentence about the naked man being depicted as a labourer is not anywhere on the poster but is my own idea. The poem at the end of Exh P 763 which has not been translated is shown as composed by Dr. Sir Mohd: Iqbal who is a poet, philosopher and barrister-at-law. On page 14 of the pamphlet there is a quotation from that very poem. I dont know anything about the writer or printer of the pamphlet. I put a query and illegible after 'of Satara' in the address of Exh P 1688 as it was not clear. There are no signs in the first part and the second part is blotted. It can be read in a number of different ways such as Baharwala. The word Satarawala appears to be in different ink from the rest of the address. To my eye the ink of satarwala and that of the English signature with date 9-4-29 are the same. Below that signature there is some writing which has been erased. The words in P 206 T (1) which I have translated 'in spite of the fact that' man literally 'in the circumstances that'. The word I have translated death later is 'halakat'. Later the words

I have translated as 'the existing system of Government mean the existing mode of living. I wrote Government by mistake, and have now changed it. I have left the term Varn Ashram untranslated as I had no dictionary available. I believe it means the 4 stages of life among the Hindus. The words I have translated Mammon worshipping are Zar-parast.

I translated all the documents which I translated in this case here. I took no help except from the Hindi translator.

By other accused. Nil.

REXXN. Since Monday last I have compared Exhs P 308 with the English leaflet Exh P 56. They are substantially the same. I have also compared the Urdu document Exh P 549 (3) with the English pamphlet P 718 (same as P 596) and find them also to be substantially the same.

Read and admitted correct.

(Sd.) R. L. Yorke.

23-10-30.

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## P. W. 217

*Inspector A. A. Shirazi No. 120 in Lower Court on S. A. In English.*

I know accused Adhikari in Court and identify him. I arrested him on 20. 3. 29. on warrant Exh P. 1159. I originally went to his father's house but did not find him so I went to the office of Kranti and found him sitting there and arrested him. I searched him and his belongings.

Exh P. 1160 is the warrant on which I searched his belongings. On it I searched his father's house where he had been living. I had 2 witnesses M. N. C. Chakrapati and Kesho Govind. Exh P. 1162 is the search list which I prepared. It is signed by me and by the witnesses. The search was in the presence of his brother and father. Adhikari was not present.

In the Kranti office where we found accused we found suitcases bearing his name and which he said were his. (Mr. Sinha

objects to last statement.) I searched the suitcases because they bore his name. The witnesses were G. V. Tambe and Ram Krishna Subramaniam. I prepared a search list Exh P. 1161 of the articles found in the suitcases and seized, which is signed by me and by the witnesses. It is a correct list of the articles found and seized. There was among the articles a Remington Portable Typewriter which is item 2 in the search list. I and the witnesses initialled the documents in both searches.

In the search of accused's house Exh P. 1163 was recovered. In the other search Exhs P. 1164 to P. 1198 were recovered.

XXN. For Joshi and others. I added the words 'with the name on the outer case' at the time in the Kranti office, in item 2 of Exh P. 1161. I cant recollect now why another pen and ink were used. There is no note in the search list about his name being on the suitcase. I say from memory that to the best of my recollection it did bear his name. I cant be absolutely sure. I marked this suitcase F to distinguish it from other suitcases. I cant say why I put 'F' rather than some other letter. It is not correct to say that I marked the suitcase because it did not bear his name. The note below item 20 means that I marked the file Z. To Court. Item 44 leather writing pad was I think found in a suitcase but I dont now recollect for certain. There were several suitcases. I searched all those he said were his, more than one, all he claimed to be his. I reached the Kranti office at 9.30 a. m. Search of the Kranti office was also going on in the same room. It was stopped while I was conducting my search. It took the witnesses from the Kranti office search. I wrote my list as I went along and not at the end. There was no possibility of the articles of my search getting mixed up with those of the Kranti search. I did not see the office of the Tramwaymen's Union next door to Kranti office. I saw a Hindu peon in the Kranti office. I made no inquiries from him. At Adhikari's house I searched the whole house. I was told he was not staying there from 15 days. No particular portion of the house was pointed out as his.

By Nimbkar accused. I went to Kranti office because Adhikari's brother told me I would find him there. I knew the Kranti office was in Aspar building and went there and inquired. It was probably the 3rd room from the stair but I did not actually count. To Court. In that room I found Sub-Inspector Twade conducting a search. To accused. I dont remember if there was any board bearing the words Kranti office on the main door. I saw an outer room and an inner room, in that office. I cannot say whether there is not a second inner room also. I searched Adhikari's property in the inner room facing the road. On entering the inner room I saw Sub Inspector Twade and asked him what



he was doing to which he replied that he was searching the Kranti office. I could not see the Sub Inspector or Adhikari from the verandah on to which one comes from the stairs. I cant say whether the 1st or the 2nd rooms from the stair were open or closed. I knew Kranti office was on that floor and saw that room open and went into it seeing people there. I dont recollect seeing any board of the Tramwaymen's Union on the room into which I went. The only search warrant I had was for Adhikari's house and not for the Kranti office. I also searched a room at Simplex building for which I had a separate warrant. Nothing was found there. That search was of specified rooms and in the name of Jagannath Moreshwar Adhikari. I am in charge of the Moslem part of the work of political section C. I. D. I was on leave when Simon Commission came to Bombay on 3. 2. 28.

By other-accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/- R. L. Yorke.

27. 10. 30.

The prosecution tenders P. W. 121 of Lower Court Kesho Govind for cross-examination. No accused wishes to cross-examine him and he is therefore discharged.

Sd/- R. L. Yorke.

27-10-30

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## P. W. 218

*S. I. Tawade. No. 123 in Lower Court on S. A. In English. (Provisional).*

On March 20, 1929 I searched the office of the Kranti at Aspar building Poibaodi on search warrant Exh P. 1199. I had with me 3 search witnesses Ram Krishna Subramaniam and 2 others. I prepared a search list of the documents found and seized and Exh P. 1200 is that list. It correctly records the articles found and seized and is signed by me and signed or initi-

alled by the witnesses. Adhikari accused was present during the search. I cannot recognise him now. I saw him only that once and again last year when I came to give evidence in the Lower Court. All the documents seized were signed or initialled by me and by the witnesses. The following documents were recovered in this search. Exhs P, 1201 to P. 1220.

XXN. For Joshi and others. I had gone and seen the office 2 days before the search with a view to the search. Before that I did not know it. I located the office by seeing its signboard. I received the warrant about 2 days before I went to conduct the search. I dont remember if there were any signboards on neighbouring rooms. I noticed a signboard of the Tramwaymen's Union when I entered the common office of the Kranti and that Union. There was a common outer room leading by 2 doors into 2 inner rooms with a communicating door between them. One of the inner rooms belonged to Kranti and the other to the Union. The signboard of the Union was on the outer door of the inner room. Kranti office board was on the outer door of the common room. I am sure I saw one Kranti board outside but I cant say if there was another on the Kranti inner room. The communicating door between the 2 inner rooms was not open when we went there. To Court. I think it was opened once by Adhikari accused during the search. To accused. There was a peon common to both offices who came after the the search had begun and remained present. I and my party never entered the office of the Union. I asked Adhikari to search me but he refused so I asked the search witness, Subaramaniam and he searched me and the 2 police constables who were with me. I had asked Adhikari to search the witnesses as well as the police officers. He did not do so. I did not take any part in any search in connection with Adhikari personally. 2 searches were going on simultaneously in that room, namely search of Kranti office and search of Payam Mazdur office. I saw a table in that room in Payam Mazdur office. Adhikari pointed it out to us but no one was present except him and the peon. I made no inquires as to whether the papers I took possession might not have been sent from outside for publication. In that search I found the file marked D 517 containing cuttings and also those marked D 518 and D 519 with similar contents. D 520 was also found and D 521 and D 522.

By Nimbkar accused. I cannot be sure whether there might not have been papers of the Tramwaymen's Union among the Kranti papers seized. To Court. There were 2 tables in the Kranti room, one to the right in front as we entered and the other in the centre further back from the door. To accused. The typewriter was on the table further back, the 2nd table. It

was sufficiently large office table. The 1st table was smaller and rough. The 1st table was one pointed out as the Payam Mazdur table. I never examined it, or saw it closely. There were some papers, some small files, lying on it. I asked Adhikari what office is this as soon as I entered the room. I did not make any inquiries of the peon. I dont remember if there was a board of the Tramwaymen's Union on the outside door above it. The Kranti signboard was left by over sight. I ought to have taken it. By appearance the room was being used as an office and also for Adhikari accused's residence. There was a small cot in the room. I questioned Adhikari and he said it was for his use. I questioned him because it was my duty to do so. During the search some 2 or 3 persons wanted to come into the office. One namely Adhikari accused's brother was allowed in but the others were not allowed. I could not allow any to come in while the search was going on. No one was prevented from going into the Union office. I stopped the visitors at the door of Kranti office. I took the common room also in my jurisdiction but it was empty. In 1928 I was at Nagpara in Special Branch, on special duty. In 1929 also the 1st quarter, I was there. I had come there in May 1927.

By other accused: Nil.

REXXN. Nil.

Read and admitted correct.

(Sd) R. L. Yorke.

28-10-30

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## P. W. 219

*Ram Krishna Subramaniam on S. A. No 122 in Lower Court.  
Tendered by prosecution for cross-examination. In English.*

XXN. By Nimbkar accused. I work in Tata Hydro Electric Power Supply Co, Ltd in the Lalbagh office, Parel. I am living at Kanji Bhawan in Parel. It is 2 minutes walk from the old Girni Kamgar Union office at Parel. My residence is close to the maidan opposite the King Edward Hospital. I can see the maidan

from my room. I was not a member of the Matunga Youth League. I am a Congress-man on the Committee of F ward. I attended meetings under its auspices. I attended meetings relating to Simon Commission Boycott. One was the Hartal meeting on 3-2-28 at Chowpatty. Sir Chiman Lal Setalvad presided. He was the President of the Indian National Liberal Federation. Bhulabhai Desai and Rao Bahadur Manaji also took part in that meeting. I estimated the audience at 80000 people. I received handbills from the Bombay Provincial Congress Committee on that day and prior to it in regard to the Boycott. I saw a procession come to the meeting while I was there. I dont read Marhatti I have not seen Nimbkar accused but I have seen Joglekar in Congress meetings. It was on day of Mr Saklatwala's coming at a meeting at Congress House, under the auspices of the Bombay Provincial Congress Committee. Joglekar was then Secretary of the Bombay Provincial Congress Committee.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

(Sd.) R. L. Yorke,

28-10-30

## P. W. 220

*Mr. D. V. Kamat on S. A. No. 159 in Lower Court. In English.*

I am a preventive officer in the Bombay Customs. It is and was in 1927 my duty to receive baggage declaration forms from steamer passengers. On December 31: 1926 I received the form Exh P. 1475 purporting to be signed by one Philip Spratt book-seller. The form shows that one typewriter was admitted free and I made a note to that effect on the form. It is and was also part of my duty to seize any proscribed literature and prevent it coming in, under section 181-A of the Sea Customs Act, which is Act 8 of 1878. On 28-11-27 I seized certain articles in the course of this duty, from one Motiram Gajanand Desai, who had arrived as a passenger on the S. S. Aquileia. Exh P. 1476 is a list prepared by me at the time of the articles seized. I produced this list in the Lower Court from my office records. A copy of this list was given to Desai himself.

XXN. For Joshi and others. I myself examined Desai's baggage alone without assistance. I can't exactly remember but there may have been other books which I did not seize. No list is kept of books examined but not detained. The things we detain are those notified under section 19 of the Act. We can also detain under section 181-A things which are not actually notified but about which we have doubts. We submit such articles to the Local Government for orders through the Police Department. We have in our office lists of publications notified under section 19. All Desai's papers were detained by me under section 181-A and sent for orders. After the orders of the Local Government were received some were returned. A list was received of those to be detained and those to be returned. No list was prepared by us of those returned, or of those confiscated I don't know if my office still has a copy of the Local Government's letter. Such letters are kept from one to 3 years. So far as I remember the majority of Desai's books were confiscated. I don't know if the private letters or any of them were kept or returned. To Court. The practice in my office is that on receipt of the Local Government's orders we write to the person concerned informing him what the orders are and asking him to come and take back anything which has been ordered to be returned. To Counsel. I exercised my own discretion in selecting the letters for detention. There was no particular reason except connection with some foreign gentleman for detaining the letter from H N Brailsford, and no particular reason for detaining the other letters. It is more or less correct to say that I detained the book "Revolution" by Reason because Revolution appeared from the name to be the subject. We

dont have much time to study the books 'Songs for Socialists' and Socialist Annual were taken because of the reference to Socialism. Books marked *D 5, 5a, and 5b* were marked 42, 8 and 10 in my office. I dont know if Desai accused's books were returned all together or in several instalments. The letter marked *D 5c* bears the signature of Mr Davies an Inspector in my department. The baggage of all seamen discharged from the ship at Bombay is examined before being passed, without any exception.

By Ghosh accused. We got copies of the Notifications under section 19 of the Sea Customs Act. I cant say whether such notifications are published in the Government of India Gazette or not. We get the copies from the Collector of Customs. I dont know where he gets them from with reference to item (b) of number 10 of Exh P.2490 we dont decide whether a paper emanates from any such organisation but act on suspicion and refer for orders. I would detain a book entitled "History of the Labour Movement" published by the Labour Research Department on suspicion because it referred to Labour Movement, and refer the matter if necessary.

By Nimbkar accused. Book parcels for booksellers in Bombay are not searched by my department. My duties are with reference to baggage outward and inword and the like. We are not concerned with articles received through the post. Search of consignments of books would be done by the Appraising Department. We are bound under the Act to give a list of the articles seized to the person from whom they are taken. For our searches of baggage no search witnesses are necessary. I dont rememder any case of protest against seizure. I have not personally seized such literature from any other passenger besides Desai. I do not remember whether I received any warning from Criminal Intelligence Department in regard to Desai accused. No police officer accompanies us in our searches of baggage.

• By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

29. 10. 30

# P. W. 221

*Mr. M. P. Damri on S. A No. -160 in Lower Court. In English.*

I am a Preventive officer in the Bombay Customs Department. I know by sight one G. Adhikari. That is he in Court. Exh P. 1477 is a baggage declaration form which was presented by him at the Ballard Pier Bombay on 10. 12. 28. He had arrived on the S.S. Pilsna. I searched his luggage and certain articles, books and files, as set out in the list Exh P. 1478 were seized. I produced this list from my office in the Lower Court (Mr. Sinha objects that the letters from Jagoo are not admissible. The Crown proposes to rely on Adhikari's possession of them as being in the nature of an admission in relation to the contents. Mr. Sinha says he can quote a ruling. If so I will hear him in detail at a later date). The letters Exhs P. 1479 to P. 1485 and documents P. 1486 to P. 1490 were taken from Adhikari on this occasion. I handed these articles to the local Government for orders. At the time of this search no police officer was present but in the afternoon after Adhikari had gone a police officer Mr. Chaudhri came. One of Adhikari's boxes had been detained and we went through its contents with Mr. Choudhri in Adhikari's presence. Adhikari had been sent for.

XXN. For Joshi and others. The list Exh P. 1478 was drawn up by me personally on that very day in the presence of the Police Inspector. The reason it does not bear my signature is that it was kept in my file. I am not sure whether a copy of this list was give to Adhikari accused. It may probably have been done by my office. I have not myself seen any letters of complaint about a copy not having been given. I heard some talk that there was a complaint. I did not go through the Marathi letters. Nor can I read Marathi. These letters contain no mark showing that they passed through my hands. By Court. The reason I indentify them is that I took down the list with the Police Inspector. To Counsel. The steamer arrived at about 8 a. m. in the morning. I started the examination at about 10 a. m. Adhikari went away at about 12 noon and I told him to come back at 3 p. m. I kept the box with me and Adhikari accused kept the key. Probably I did not make any mention of Mr. Chaudhri in the Lower Court. I was not asked to indentify Adhikari accused there and did not do so. I did not see him in Lower Court and had not seen him between the date of this search and today. It was Adhikari himself who came in the afternoon. At the request of the Lower Court I prepared a copy of P. 1478. I dont know what it was for.

I did not see the orders of the Local Government in regard to the articles seized by me. It would have been received by the Collector of Customs. I had nothing more to do with the list after I had submitted it to the Local Government. I have frequently to detain articles found in baggage, under the Sea Customs Act. I would be able to recognise any person if there was a case out of the ordinary, and I saw him for a number of hours. It is not necessary by rule for us to show articles seized to the police. But we have to send books of a proscribed nature to them. We always or generally take the help of the police before detaining proscribed literature. We sent for Mr. Chaudhri in this case. I have not seen of proscribed article a list prepared in our department from the notifications for the guidance of officers of the department. I handed all these articles seized from Adhikari accused to Mr. Chaudhri then and there. I dont know if Mr. Chaudhri sent to my department a report of the orders passed. No one else besides him helped me in selecting the articles. He did not give me a receipt. I cant say if he gave one to my office. In all cases of seizing proscribed literature it is handed direct to the Police officer. We take no receipt even in the case of firearms. I can remember that these are the books seized independently of the list. The same applies to the letters.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

29.10.30.

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## P. W. 222

*Bhikha ji Mahadeo Parab on S. A. No. 161 in Lower Court.  
In Marahatti.*

Exh P. 1491 is shown to me. I paid the sum of Rs 527/8/- on 28. 1. 28 to a person who signed as a Philip Spratt. My signature is in the right hand bottom corner below that of the payee. I made the payment at the Servants of India Society's home.



XXN. For Joshi and others. The witness to payment was N. M. Joshi whose signature is there. I saw him make it. I have never seen him sign except then.

By other accused. NIL.

REXXN. I knew N. M. Joshi before, since a long time.

Read and admitted correct in Marhatti by translation sentence by sentence.

Sd. R. L. Yorke

29-10-30.

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## P W. 223

*Xavier Desa on S. A. No. 162 in Lower Court. In English.*

I am the Chief Clerk of the office of the Chief Presidency Magistrate Bombay. In that office the declarations made under the Press Act are kept. Exh P. 1492 bears the signature of the Chief Presidency Magistrate showing it to be a true copy. In the Lower Court I produced the original of this. I have not kept it with me now. The same is the case with Exh P. 1493. I produced the original of that also in the Lower Court. (P. 1492 is dated 27. 6. 28 and refers to S. A. Dange as printer and publisher of the Kranti. P. 1493 is dated 8. 12. 28 and refers to K. N. Joglekar as keeper of the Labour Press.)

XXN. For Joshi and others. NIL.

For other accused NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

29. 10. 30.

## P. W. 224

*F. X. Pereira. on S. A. No. 165 in Lower Court. In English.*

I am Reception Clerk in the Hotel Majestic in Bombay. The register before me Exh P. 1495 was produced from that hotel and is kept there in the ordinary course of business. The practice is that the visitor signs the book on arrival. I cant say whether the entry of D. Campbell's name on 3. 5. 26 was made in my actual presence or not. There are 2 of us Reception clerks and I cant say whether I was actually on duty when it was made.

XXN. For Joshi and others. The time of departure is usually filled in by us but the time of arrival is sometime filled in by the visitor and sometimes by us. I cant say whether the entry of date and hour of arrival and date and hour of departure of D. Campbell are in my handwriting or not.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

29. 10. 30

## P. W. 225

*G. F. Brahmandkar. On S. A. No. 169 in Lower Court. In English.*

I am a clerk in the Bombay branch of the Imperial Bank of India. I produced papers from the Bank in the Lower Court.

Exh P. 1497 is letter of credit received by us from our London agents Samuel Montagu and Co. for Rs. 2694/11/- in favour of Philip Spratt dated 14. 12. 26. That amount was paid to one Philip Spratt in 2 sums on 18. 1. 27. Exh P. 1498 is a letter of advice from the same in regard to the same letter of credit.

Exh P. 1499 is a letter from Samuel Montagu dated 3. 3. 27 asking us in Bombay to pay Philip Spratt the sum of Rs 5351/15/- by order of Mrs. Olive N. Parsons. That amount was paid to Philip Spratt on 25. 3. 27 when he signed the receipt Exh P 1500.

We also received from Samuel Montagu and Co. a letter of credit Exh P 1501 in favour of Philip Spratt dated 8. 2. 28 for Rs1328/12/- by order of Mrs. Douglas Parsons London. That amount was paid to Philip Spratt on 7. 3. 28 when he signed a debit voucher for that amount P. 1503. We had opened a temporary account for him on receipt of the letter of credit, a sundry deposit account, and credited this amount to it. On 7. 3. 28 we paid the amount and debited this account. Exh P. 1502 is a certified copy of the entry in our sundry deposits account.

XXN. For Joshi and others. I am in the accounts department of the Bank. I did not personally have any thing to do with these transactions but simply came to produce the documents and explain them. None of the receipts was signed in my presence.

By Nimbkar accused. I was a member of the Bombay Youth League. I know that Mr. Nariman, Mr. Mehrally and Mr. Kabadi were prominent members of that league. I sometimes attended meetings convened in the Marwari Vidyalaya Hall by Youth League. The Youth League called some meetings for the boycott of the Simon Commission. I had gone to the Mole at the time of the Simon Commission arrival. There might have been 400 to 500 persons in the procession. The procession was carrying back flags. Some persons were also carrying placards. The slogans I saw on the placards were, Simon Go Back, Down with British Imperialism, Up with Revolution. I think I saw Nimbkar accused there. I dont remember at what stage I saw him. I joined the procession on the way. I did not see Nimbkar accused then. The procession dispersed after the party landed and went away. I attended the evening meeting at Cowasjee Jehangir Hall, under the auspices of the Youth League. Mr. Nariman presided and Maulana Shaukat Ali and Mrs. Naidu spoke. After the meeting I left for home, and did not go to Chowpatti meeting. A hartal was called by Bombay Provincial Congress Committee that day. I was again present at the mole on Sir John Simon's 2nd visit arrival. The Congress and Youth Leagues both had processions there.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke,  
29. 10. 30.

## P W 226

*Mr. N. N. Bhivandkar on S. A. No. 119 in Lower Court.  
Tendered by prosecution for crossxn. Search witness of P. W. 207  
Inspector Wagle. In English.*

XXN. By Joglekar accused. In 1929 I was working in Allied Advertising Association at 381 Hornby Road Bombay. I was then living in Phanaswadi and used to go to office by tram from Thakurdwar to Fountain. I had been in that office for some 3 years. I was in Bombay throughout 1928. I never went to office by Poribandar. My office hours were 11 to 6. There was hartal in Bombay on 3. 2. 28. I was not on hartal myself. I attended no processions. I did not see any demonstrations on my way to office. I did not see any millstrike volunteers collecting offerings in 1928. I have to pass Esplanade Maidan on my way to office. I dont remember seeing any big meeting there in August 1928. Hornby Road itself is not visible from my office. I am acquainted with Inspector Wagle. He has visited my house. I am not acquainted with Sub Inspector Kothare. Inspector Wagle called me for the search from my residence. We found the house locked up. A lock-repairer broke it open for us I dont know his name. The search lasted from 6 a. m. to 5 p. m. I was present throughout as was the Inspector. Sub Inspector Kothare was also there and one Ram Singh Bhaiya another search witness. I know him. Rao Bahadur Tawade had come while the search was proceeding. I know him by sight. I know Khan Bahadur Petigara. He did not come there during the search. I searched Inspector Wagle before he entered the room, and also S. I. Kothare. I did not search Inspector Tawade. I was not searched by anyone nor was Ram Singh. No one was present on behalf of Joglekar accused. A number of books were left behind in the room searched besides news paper files cuttings etc. To Court. The other search witness was the Manager of the Zalim Singh chawl. I am not absolutely certain about his name. To accused. All the newspaper files etc were on the shelf. After the search was finished Inspector Wagle put a lock on the room. It was not sealed as well. The papers seized were put in a bag which was sealed up and taken to the Police station. Inspector Wagle kept the seal, and the key of the house.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

30. 10. 30

# P W 227

*Mr. Uma Nath on S. A. No. 170 in Lower Court. In English.*

I am employed in Thos. Cook and Sons' banking department, for about 24 years. When we get telegraphic instructions to pay money to someone from abroad who is in India we identify the person by means of his passport. We receive such instructions by telegram in code. We decode those instructions on a separate sheet of paper. We then arrange to make payment. We learn the name of the remitter from the confirmatory message and in some cases it is included in the telegram.

We had some dealings with a man called B. F. Bradley. The papers Exhs P. 1504 and P. 1505 shown to me relate to the payment of a sum £ 100 to B. F. Bradley. The instructions in this case were to supply Travellers Cheques to B. F. Bradley on telegraphic instructions received on 2. 5. 28. The telegram was sent from London on 1st May. The payment was made to Bradley on 3. 5. 28 and a receipt Exh P. 1504 was taken from him. It was not signed in my presence. I have now brought the confirmatory letter (tendered and marked Exh P. 1505 A) which shows that the sender was one H. P. Rathbone. We were also asked by the C. I. D office Bombay to obtain the original order for this transfer from our London office, Exh P. 1505 is the original order sent on our request by our London office. That also shows H. P. Rathbone as the Remitter. Exh P. 1504 A which I have brought with me today is the order given to the Bank by B.F. Bradley for Travellers Cheques for £ 100, on receipt of which he was given the cheques. (Prosecution tenders P. 1504 A). The above are all documents kept in the ordinary course of banking business.

In December 1928 we received similar telegraphic orders from our Sydney office to pay Rs 650 to Mr. Jack Ryan. I produce the decoded telegram (tendered and marked Exh P. 1506 A) dated 6. 12. 28. The money was paid on 7. 12. 28 when receipt Exh P. 1506 was taken from Mr. Ryan. I was not present. Exh P. 1506 B is the confirmatory letter in this connection.

XXN. For Joshi and others. I have not personally had anything to do with these particular transactions. I never saw the order or request to obtain the original order Exh P. 1505. I did not select the papers which I produced before and today. They were given to me by the Manager. I learned from the Manager that the C. I. D asked for the original order. It is not usual for the original order to be sent. We only get the confirming letter.

We dont give information as to the sender of remittances to outsiders. I dont know what C. I. D. officer sent for that order.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

30. 10. 30

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## P. W. 228

*G. N. De Souza on S.A. No. 167 in Lower Court In Goanese, interpreted by P. W. 227 sworn as Interpreter.*

I know one Mr. Sandwell. I was in his service in Appollo Chambers in Bombay, for 8 months, from January to August 1929. While I was in Sandwell's service I saw one Bradley in Apollo Chambers. Bradley was a lodger in that house and I used to do Bradley's work. I know the room in which Bradley stayed. I have seen the letter Exh P. 674 before. I saw it when I found it. I got orders from Mr. Sandwell to clean the cupboard where Bradley used to keep his things. In doing so I found the letter inside the cupboard on one of the shelves. It was not a chest of drawers but a cupboard with no drawers. I took the cupboard outside the room to clean it. It was then I discovered the letter. The cupboard was in the room which Bradley occupied, and was used by him, for keeping his clothes. Bradley was not there when the letter was found. The letter was found 6 days after he went away. It was between 10 and 11 in the morning when I found the letter. I gave the letter to Mr. Sandwell, next day in the morning.

XXN. For Joshi and others. Except Bradley no other boarders were staying in Mr. Sandwell's flat during my service. I know a Mr. Savage and a Mrs. Scott. They were staying in adjoining rooms in Mr. Sandwell's house. Both were there as long as I was in Mr. Sandwell's service. There were other occasional visitors to Mr. Sandwell but they did not stay. I was generally out and did not see any police officers visiting the flat. I mean I was going out after my work. I was not living and staying in the

house. I was coming to work at 6 a. m. and after 1 p. m. I was going out. I was not coming in the evening. I was the only boy working in Sandwell's flat. Bradley did not go away as long as I was in service there. Bradley was there when I took service. When he left Bradley packed his things himself and I did not help him. I was there on duty when he left. Vital Hammal was also on duty at the time. Kanji was the servant of Mr. Savage. I can read a little English but I cant understand. I did not see any other typewritten letters while I was in the house. I have not seen any other typewritten letters or papers at all in my life. I tried to read it and could not understand it and put it in my pocket. Vital and Kanji knew that I had found that letter. The other lodgers were all out when I found the letter. I dont know the reason Mr. Sandwell told me to clean the cupboard. That was the only paper I found while I was in Mr. Sandwell's service. The letter was folded when I found it and I opened it. I was examined by the Police after 2 or 4 days. No Police officers came to the bungalow after I found the letters. I was called to the Criminal Intelligence Department. I told the Sahib where I had found the letter but I did not show him the place. The Sahib asked me why I did not give him the letter the day I found it. I kept it in my pocket from the time I found it until I showed to the Sahib. I was in my room outside the bungalow that afternoon. I saw the Sahib in the evening. It may be 5 or 7 days after Bradley left that the paper was found. Nobody else took that room after Bradley left it during my service. It was empty. Mr. Sandwell had not told me to clean the room for someone else's coming. Dusting of the rooms was the work of Hammal and I dont know if it was done after Bradley left. The room was closed after he left. Besides the cupboard there was other furniture in the room, 2 chairs, a table, bed etc. I did not clean other furniture at the time of cleaning the cupboard. When anything was to be cleaned Mr. Sandwell used to give me orders and I used to tell the Hammals. 4 of us brought the cupboard out and I was cleaning the shelves while they were sweeping. I did not open it till I got it out of the room, near the staircase. I kept it there, at the place where it was ordered, near the entrance door. The cupboard was not dropped in being brought out. Nor did anything fall out of the cupboard. I did not feel anything fall inside the cupboard. But the shelf fell down inside the cupboard. When I got the cupboard outside I went to put the shelves in order. They had all fallen inside the cupboard. There were 2 or 3 or 4 shelves. The doors of the cupboard did not open while it was being carried out. The rooms occupied by Bradley, Savage and Mrs. Scott were side by side. After Bradley left his room was closed but not locked. The key was in the door. I did not see Mr. Sandwell going into

Bradley's room while Bradley was there. I dont know where Bradley used to keep his papers. There were 4 of us servants who went to the Police office, I and Vital and Kanji and Martin. I was examined first and they afterwards. A constable had come and called us. Sandwell did not say anything to me about the letter before I went to the police. I did not know why I was being called to the police. I did not go with Mr. Sandwell but after him. I had not seen before any of the Police Sahibs. I have not met Sergeant Littlewood since. It was not he but another Sahib who took my statement. He was not present when my statement was taken. I first saw him when I came in the Lower Court here. A thin officer had questioned me. I dont know Inspector Derojinsky. Witness asked if he could identify any paper in bundle consisting of pages of Exh P. 377 and P 674 (that is a bundle in which P. 674 had been placed in the middle of the sheets of P. 377) picked out Exh P. 674 as a paper he recognised. I can know it was because it folded 8 times and it was smooth. It was lying in the corner where I found it when I was replacing the shelves of the cupboard. I did not think it to be an important paper when I picked it up. I had orders from Mr. Sandwell that if anyone leaves things behind to hand them over to him. I was not ordered to look for any other papers in that room. I dont know if other articles of furniture were afterwards cleaned by other servants. I did not go home immediately after I found the paper. I had other letters of my own in my room. I did not know Sandwell had sent the letter to the Police when I was called there. The letter was shown to me in the Police and I said it was the one I found. There was nothing but the typed letter when I found it and no figures in the margin. Nobody wrote on it in my presence. I dont remember whether there were any pinholes in the letter then. I tried to read the paper as soon as I found it. I was not asked to clean the cupboard while Bradley was there but I was keeping some clothes there. The cupboard was in the room as long as I was in service and Bradley had the room. Mr. Sandwell was using the flat as a boarding house. Sandwell's room was 30 paces from Bradley's. Bradley used to leave the key in the door when he went out. Sandwell did not question any other servant in my presence. I was not examined by police in presence of other servants. I dont know where Vital and Kanji are now, or where the other lodgers are now.

Sd. R. L. Yorke.

30. 10. 30.

Continued on 1<sup>st</sup> S. A. I dont remember for what time I was on duty on 20. 3. 29. I was there for the usual hours. Throughout



March I was attending my duties daily during the usual hours Bradley's room was never searched in my presence in March or April. Mr. Sandwell had no typewriter during March or April, nor had any of the lodgers except Mr. Savage who kept one in his room. I dont recall what Mr. Savage used to do. I never saw any tea party at Mr. Sandwell's when he had friends to tea in March or April 1929.

By other accused Nil.

REXXN. When Sahib asked me why I did not give him the letter before I told him I forgot. Somebody took away the cupboard which was taken out that day.

Read and admitted correct. Read over to the witness in Goanese by the Interpreter and then read over in English and Urdu.

Sd. R. L. Yorke.

1. 11. 30.

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## P. W. 229

*A. Lester on S. A. No 197 in Lower Court. In English.*

I am Superintendent in the Special Branch Criminal Intelligence Department Poona. I have in the course of my duties intercepted letters.

Exh. P 1831 is a typed copy of a letter intercepted by me on 11. 2. 28. I gave the original to a clerk to copy and compared the copy with the original and satisfied myself that it was correctly copied. The same was done with the enclosure Exh P 1831 (1). The original was handed back to the Post office for disposal.

Exh P 1833 P is a series of photographs which I had taken of a letter with its enclosures from Spratt. I dont now remember to whom it was addressed but there must have been a forwarding docket with which the photographs were sent to the Director Intelligence Bureau Simla. The original was afterwards reposted.

XXN. For Joshi and others. I submitted the photograph Exh P 1833 P to the Deputy Inspector General Criminal Intelligence Department Poona and he sent it on to Director Intelligence.

Bureau. To Court. I submitted it with a report. To Counsel. I myself gave the photos to the despatching clerk after the Deputy Inspector General or his Personal Assistant had signed the forwarding docket. (Mr. Sinha suggests that P 1833 P is inadmissible as the original was found with Spratt in the search of 2/1 European Asylum Lane; vide Exhs P 545 (1). P 545 (3) is a typed copy very similar to P 1833 P but not the same as is shown by the signature of Spratt. I cannot accept the view that the original of this particular letter has been recovered).

By Joglekar accused. It was not one of my duties to attend political meetings and take notes. I was in Poona from June 1927 up to now. Before that I was on 3 months leave and before that in the same job.

By other accused Nil.

Rexxn. Nil.

Read and admitted correct.

Sd/- R. L. Yorke.

1. 11. 30.

Note: Crown Counsel subsequently informed the court that the original of P 1833 P had been recovered in Thengdi accused's possession and that he did not now wish to tender P 1833 P. That closes the matter.

Sd/ R. L. Yorke.

4. 11. 30

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## P. W. 230

*Mr. V. Windsor on S. A. No. 172 in Lower Court in English.*

I am Superintendent in the Passport office at Bombay. I receive applications for passports from persons desiring them.

Exh P 1508 is such an application which I received from one R. S. Nimbkar on 30. 3. 27. The signature on the declaration and the 2 specimen signatures in the bottom left hand corner of these forms has to be in the handwriting of the applicant himself.

Exh P 1509 is a similar application dated 5-4-27 from one K.N. Joglekar which I received. Exh P 1510 is another dated the same day 5-4-27 from one Dr. R. Thengde received by me.

Exh P 1290 is another application from one S. V. Ghate received by me on the same day 5. 4. 27.

Exh P 1511 is an application read by me from one S. S. Mirajkar on 3.9.21 for passport. An endorsement on the back shows that the application was granted and the renewal form attached shows that on 8. 4. 27 S. S. Mirajkar applied for renewal for 5 years from the date of expiry. It appears that the application was granted because the renewal number appears in pencil on the top right hand corner of the application. Passports given in 1921 were valid for 2 years only.

XXN. For Joshi and others. None of these applications 1508 to 10 and 1290 bears any writings of me or my office at all. The person who signs the certificate contained in a passport application must also do so with his own hand. (witness was shown P 1290 for above question). Two copies of the photograph of applicant have to be submitted with each application. Those submitted with these are probably with the papers in the appropriate file of my office. By Nimbkar accused. After receipt of an application if we have no information about the applicant we prepare the passport. If we have any information we take the orders of Government. By information I mean reports from the Criminal Intelligence Department. Sometimes the Criminal Intelligence Department are asked and sometimes the Home Department advises. I cannot myself reject any application. It is in all cases Government which rejects.

By other accused. Nil.

REXXN Nil.

Read and admitted correct.

Sd/ R. L. Yorke.

1. 11. 30.

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**P W. 231**

*Mr. J. S. Dalal on S. A. No. 176 in Lower Court. In English.*

I am the credit reference clerk of the National City Bank of New York at Bombay for the last 4 years. The procedure in regard

to telegraphic transfers is that we receive telegraphic instructions. We notify the payee and pay him and after that we advise the bank which sent us the instructions.

Exh P 1542 is a certified copy of the telegraphic instructions from Deutsche Bank Berlin received by us to pay. 7690 dollars to S. H. Jhabwala Vice President Textile Labour Union, Sandhurst Road. The telegram states that this is on the order of Vernoff Moscow. It says Reimburse National City Bank of New York means that we are to draw on our New York Head office for reimbursement. Exh P 1543 is a certified copy of the telegram we sent to the Deutsche Bank on 30. 4. 28 asking for further instructions in view of Jhabwala no longer being Vice President. On 7. 5. 28 we received the telegram of which Exh P 1544 is a certified copy. We then paid the amount on the instructions of the amended payee Joshi to the Bombay Provincial Co-operative Bank Limited and made an entry in our cash book of which Exh P 1546 is a true copy. Exh P 1545 is a true copy of the entry in our Bill Purchase Register in respect of the bill drawn for the reimbursement. Exh P 1547 is a duplicate outward bill voucher passed in respect of this transaction to our outward bill deptt. Exh P 1548 is a certified copy of the letter by which we intimated to the Deutsche Bank that we had carried out the instructions, and that we had attached Mr. Joshi's receipt to the bill we had drawn on New York.

Exh P 1549 is a true copy of the letter we received dated 13.8.28 from the same bank in Berlin instructing us to pay £1069/8/5 to S. H. Jhabwala President Bombay Mill workers' Union by order of All Russische Genossenschaftsbank, Moskau on account of Central Komitee der Textilarbeiter. We paid this amount to S. H. Jhabwala and Exh P 1550 is a certified copy of the entry in our cash book dated 10. 9. 28, the amount in rupee being Rs 14101-2-0. Exh P 1551 is the original receipt signed by the payee.

XXN. For Joshi and others. None of these transactions passed through my hands personally. To Court. I was sent to bring the documents from Bombay and explain them to the court.

To Counsel. I have no information about these transactions apart from what is contained in the papers shown to me. The telegram P. 1543 would according to the practice of the bank be sent by the accountant in the telegraph department of the bank. I can't say who the accountant was in that Department at that time I received my orders to come to this Court from the Chief Accountant. I was not given any papers when I came to Lower Court to show how the Bank came to understand that Jhabwala was no longer Vice President. My department usually makes the inquiries required before making a payment in

such cases. I cant say who made this particular inquiry. There may not be any record of the inquiry at all. Such inquiries and the reports are often oral. Sometimes we go to the person named and sometimes to the organisation named. But we usually inquire from other persons and organisations. We dont consult the Police or C. I. D. Inquiries similar to those in the 1st transaction must have been made in the 2nd one also. I knew Jhabwala accused before 20th April 1928.

By Nimbkar accused. I am the head of the department which makes these inquiries and was so in 1928. I joined this bank in 1926. We usually advise the payee through the post. If he does not turn up we send an agent to inquire. If the address is incomplete we make further inquiries about the payee locally. I have in my department an accountant over me and an assistant and 2 typists. I cant say if we sent an advice to Jhabwala accused in the 1st instance but I think we must have in the usual course. I knew that Jhabwala was a teacher in the Tutorial High School. I dont remember whether any agent was sent to Jhabwala accused because he had not come. In a telegraphic instructions we attach most importance to the name. In this case as the instructions were to pay Jhabwala Vice President of a certain institution we had to ascertain whether he was vicepresident or not. I dont know if in the Government Secretariat office there is a Labour office I dont remember any of the details of this matter or how the inquiries were made, or by whom. I am not in a position to say whether it is or is not a fact that Jhabwala was Vice-President of the Bombay Textile Labour Union up to the beginning of June 1928. I dont know who told us Joshi was President of this Union. I did not personally make inquiries on receipt of the reply to pay to Joshi but it is usual to make such inquiries and I presume it was done. I dont know if any complaint was received from Jhabwala accused as to why the money had not been paid to him. I did not meet any Police officer during the weeks covering this transaction. My summons in Lower Court told me to bring all papers relevant to these transactions.

By other accused. Nil.

REXXN. NIL.

Read and admitted correct.

(Sd). R. L. Yoske

1-11-30.

# P W 232

*Sub Inspector S. G. Nikam on S. A. No. 180 in Lower Court.  
In English.*

In May 1927 I was in the Thana District in Civil police. On 7th May 1927 I attended a meeting at Thana at which Spratt accused in Court was present. Spratt accused spoke at that meeting and I took notes in longhand. Subsequently on the next day I prepared a report when the matter of the speech was fresh in my mind and my notes were before me. Exh P. 1554 shown to me is the report, a carbon copy, in my handwriting. It correctly records the substance of Spratt accused's speech. I recognise Spratt accused's in Court. The rough notes have been destroyed as they were only periodical records. In this report the full name of Mirajkar is in pencil because I only heard Mirajkar and kept it blank till I ascertained his full name.

XXN. For Joshi and others. The writing in the margin giving Mr. Shringarpure's full name is also mine. It is the Superintendent of Police's order that full name should be given and I did not learn his full name till later. I cant say why in the one case I wrote Shringarpure's name with initials at first and in the other did not write Mirajkar's name at all but left a complete blank. I dont know where the top impression of this report is. I wrote my report on the 8th. I wrote my whole weekly report on the 8th. But I think from the date in the beginning that I must have signed and dated the report on the 13th. I dont remember any of the facts of the speech now.

By Joglekar accused. I was in thana from 1923 to 1929, Match. (No relevant question).

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

(Sd.) R. L. Yorke

1-11-30

The defence do not wish to cross-examine Chandu Lal P.W.80 in Lower Court. He will therefore not be resummoned.

(Sd.) R. L. Yorke.

11-11-30.

## P. W. 233

*R. N. Vhidya on S.A. No. 268 in Lower Court. In English.*

I am clerk in the office of the Shipping Master's office Bombay for over 13 years. A man who wants to go to sea as a seaman for the first time in Bombay goes to the Shipping master's office and gets himself registered. We keep a register of certificates of service which is the register in which such registrations are made. This register contains among other details marks of identification and the man's thumb impression. At the same time the man is given a document called the certificate of service like the paper I produce Exh P. 2473 a. This document called Nali by the seaman is retained by the Seaman himself and details on the reverse are filled in from time to time by the Captain and countersigned by the Shipping Master. At that time the man's photograph also is taken in the Shipping Master's office and one copy pasted in the photograph register and another pasted on the certificate of service. The photograph is taken with the man bearing on his chest a card bearing his registration number.

I produce the register of Certificate of Service covering period from 26-1-27 to 13-3-28 and numbers 14359 to 16830. No. 14513 entry relates to the registration one Abdul Hamid Abdul Karim on 14-2-27. (Entry marked Exh P. 2473 in original register and photographic copy Exh P. 2473 put in with Courts permission. Exh P 2473 P, P 1 and P 2 marked. The original register may be returned to the Shipping Master's office). A certificate of service must have been given to Abdul Hamid then. A photograph was taken at the time and appears in the register of photographs which I produce. Exh P 2229 P is a photograph of that photograph taken in the Lower Court. (Original photograph in the photograph register compared with this copy and ordered to be returned after being marked as Exh P. 2229). If the man went to sea for the first time from another port there would be no entry at all in these Bombay registers.

When any seaman signs on in Bombay to serve in a particular ship he produces his 'nalli' and the details from that are entered in the articles of agreement of that ship and voyage, the whole agreement being signed by the Captain and the Shipping Master, the agreement being between the Captain and the crew. 2 copies of this are prepared one being the office's copy and the other for the ship. On the completion of the voyage or the period the ship's copy is deposited with the shipping master. At the time of being paid off on discharge the seamen put their thumb impressions on the ship's copy which is then retained by the

shipping master. There is no thumb impression if he is not paid off on discharge.

The document shown to me is containing Exh P. 2230. The articles of agreement in respect of the voyage of the S. S. Elysia opened on 9. 3. 27. Reference number 113 relates to the engagement of one Abdul Hamid Abdul Karim registered number of certificate being 14513. The particulars of engagement show this was his first ship. It appears that he was paid off on discharge up to 27. 5. 27 and his thumb impression taken in column 21, Exh P. 2230 (1).

An official logbook of the particular voyage is kept by the Captain and deposited with the Shipping master at the end of the voyage. It contains among other details a list of the crew with such particulars as ability, conduct etc. The document shown to me containing Exh P. 2231 is the official log of the voyage in question and under reference number 113 appears the name of Abdul Hamid Abdul Karim with VG in each case against ability and conduct. (In both above documents the specific entry was shown to witness and is marked with the exhibit number.)

The document now shown to me is the articles of agreement opened on 5. 6. 27 relating to another voyage of the same ship. Exh P. 2232 is the entry under reference number 117 and shows that Abdul Hamid number 14513 signed on on 6.6.27. He was paid off up to 20.8.27 and his thumb impression taken, Exh P. 2232 (1). There is as before an entry in the log of this voyage about his character Exh P. 2233 (1). In this logbook there is another entry on page 21 Exh P. 2233 (2) showing that the Elysia cleared from Manchester on 23. 7. 27 at 8. 30 a. m.

The document now shown to me is the articles of agreement in respect of another voyage of the same ship opened on 31. 8. 27. Exh P. 2234 is the entry under number 104 showing that Abdul Hamid Abdul Karim number 14513 signed on 31. 8. 27. There is however no entry of his being paid off or thumb impression but simply the note in the discharge column '25. 9. 27 Marseilles deserted.' In the logbook Exh P. 2233 (1) is the entry on page 12 under the head of character "deserted" with a reference to page 32. At page 32 is an entry Exh P. 2235 (2) under dated 25 9. 27 in regard to the desertion. There also appears affixed to his page a certificate of release Exh P. 2235 (3) a buff slip showing that Abdul Hamid Abdul Karim had been released from the house of correction Byculla on 29. 3. 28. The practice is that the seaman himself brings this to the Shipping Master who attaches it to the log. There is also on page 21 of the log an entry Exh P 2235 (4) showing that the Elysia started on this voyage from Bombay on 5. 9. 27 at 4. 30. P. M.



Exh P 2236 C is a copy of the order for the conveyance of Abdul Hamid Abdul Karim as a distressed British seaman under the Merchant Seaman Act from Marseilles to Bombay. He arrived in Bombay on 16. 3. 28 by S. S Razmak. The original of this document is returned to the Board of Trade London and a copy retained by the Shipping Master. This Exh P 2236 C is a copy of that copy (Copy of a copy objected to by Mr. Sinha Prosecution may decide what to do). Entry P 2232 (2) on page 44 of the articles containing P 2230 shows that the articles were deposited at Manchester on 18. 7. 27 and returned on 22. 7. 27 when the vessel was to proceed to Birkenhead.

XXN For Joshi and others. The entry in column 3 in Exh P 2235 (2) is usually made by the Purser but sometimes it is made by some other officer. There is nothing in these articles to show who the Purser was. That would be in the Articles prepared at the port where the officers were engaged. It would also be in the crew lists which are supplied to my office at the time of the arrival and departure of the ship. Repatriation orders like P 2236 C regularly come to my office, but they are dealt with by another clerk and not by me. I have not experience in regard to these forms. The articles containing Exh P 2234 show that that voyage concluded by the paying off of the crew on 3.12.27. After paying off on 27. 5. 27 the Elysia again sailed on 8. 6. 27 and after paying off on 20. 8. 27 she again sailed on 5. 9. 27. The interval was 12 days in the first case and 16 in the second. On the first voyage she took 21 days to reach Marseilles, on the 2nd voyage 21 days and on the 3rd 20 days. The articles of agreement and logbook for the next voyage of the Elysia after the 3rd voyage must be in my office. Lascars are employed in three departments, Engine room, Deck and Saloon. Firemen and coaltrimmers are employed in the engine room. Men who sign on in engine room are commonly Mohammedans. B I and other companies employ some Hindus; there are some though not many Non-Gujerati Hindus who are sailors. I have not come across any case of a student getting employed as a sailor in order to go abroad for study. I dont remember any inquiry made about one Ajudhia Pershad in my office before 25. 9. 27. I was at one time in 1927 in charge of the register of photographs, about March but I dont remember. It was for 2 months in Mr. Chullan's absence. The register was not sent to the Bombay Criminal Intelligence Department office in my time. By other accused Nil.

REXXN. I dont know if there is any record with the British Consul at Marseilles to show on what voyage a particular man is who is left behind there.

Read and admitted correct.

Sd/-R. L. Yorke-  
3. 11. 30.

Recalled on S.A. I now produce the original copy of the Repatriation or Conveyance Order ( of which P 2236 C is a copy ) bearing the signature of the Shipping Master showing it to be a true copy of the original order which has been returned to the Board of Trade in England. Copy tendered and marked Exh P 2236.

I also produce Exh P 2521 the official logbook and the ship's copy of the articles of agreement of the Elysia opened on the 14th December 1927. ( Mr. Sinha puts forward an objection to the introduction of this document at this stage. In view however of the necessity of establishing with certainty whether Ajudhia Pd. did sail on this particular voyage it must be admitted ). (Note. Articles show no fireman of name of Abdul 'Hamid Abdul Karim and log shows that Elysia left Marseilles on 7. 1. 28.

XXN. For Joshi and others. This copy Exh P 2236 was not made by me. I received it from my office by post through the Crown Counsel. The logbook does not contain any entry of the date of arrival at Marseilles. Each of these logbooks contains a complete list of the members of the crew engaged in Bombay for the purposes of that voyage.

By other accused Nil.

REXXN. The name of every one of the crew except the European officers appears in the log-book.

Read and admitted correct.

Sd/- R. L. Yorke.

8. 11. 30

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## P. W. 234

*Venkateshar Iyer, On S.A. No. 178 in Lower Court. In English.*

I am office suprintendent in the Bombay Millowners Association for the last 7½ years. I was in Bombay in 1928 and remember the Cotton Mills strike. The strike began in isolated mills on 16. 4. 28, and became general on the 25th. It finished I think on 4th October.

XXN. By Nimbkar accused. The strike was called off by virtue of an agreement signed by Mr. Joshi and the Millowners' representative at the Secretariat on 4th October. The actual signatories were first the General Member of the Government, Hon'ble Sir Ghulam Hussain Hidayatullah, Mr. N. M. Joshi on behalf of the Joint Strike Committee, Mr J. B. Petit on behalf of the Millowners Association. I cannot remember the terms of the agreement. The workers actually resumed work on the 6th October. I dont know if there was trouble in regard to the workers of the Sassoon mills ever after the agreement. There were numerous lightning strikes between then and 20.3.29. I dont know if the cause given by the workers was that the millowners were not observing the terms of the agreement. Paper D 3 is a letter dated 3.5.28 which I received purporting to be from the Joint Strike Committee and containing proposed Terms of Settlement. My summons in the Lower Court contained instructions to produce this letter. I laid this letter before a meeting of the Committee of the Association. The Committee drafted a reply, which was sent to the Press in Bombay for publication. No reply was sent to the Joint strike Committee direct.

Sd/- R. L. Yorke.

3. 11. 30

Continued on S. A. I cant say whether the paper shown to me D 432 (1) contains all the terms of agreement of October. I think there is an original copy of the actual agreement in our office. After refreshing my memory from the document I am still unable to say with certainty whether the main point of settlement was that the wages of March 1927 were restored. The terms on which the strike were settled were incorporated in the agreement and I am not able to state them accurately. Shown Appendix 1 and 2 of the Fawcett Committee's Report. I say that with the exception of the table at foot of page 177 these represent substantially the reply sent by the Millowners Association referred to by me above. There was a general millstrike in January 1924. It was due to the stoppage of bonus by owners. The bonus started before 1920. After the 1924 strike the workers lost that bonus. In 1925 there was another general millstrike. Its cause was that the owners wanted to cut the wages  $11\frac{1}{2}$  per cent. The strike lasted  $2\frac{1}{2}$  months from September 16 to about December 1. It was settled by restoration of the cut, which was done after the Government of India repealed the Cotton Duties Act. We dont receive reports of individual strikes in our office so I cant say if the list of strikes between 1925 and 1928 in the Fawcett Report is correct or accurate. There are 69 or 70 individual members of the Bombay Millowners Association in Bombay and Kurla. So far as

I know no one ever refused to become a member. Some 13 mill-owners are not members. The Millowners case was conducted before the Fawcett Committee by selected members of the Association. I receive all the correspondence of the Millowners Association. I remember receiving some complaints on a printed form from the Girni Kamgar Union in regard to grievances of individual workers after the General strike was over. In the case of serious lightning strikes the Chairman used to consult the individual millowner. We don't supply information of individual strikes to the Labour office.

In 1928 some time after the strike began a deputation of mill-owners waited on H. E. the Governor at Bombay. We issued a press communique declaring the intention of the Association to negotiate with representatives of registered trade union. Later on a deputation of the Millowners Association waited on Sir Cowasji Jehangir General Member of Government at Bombay. So far as I remember no press communique was issued about this by the Association. By that time a standardisation scheme had been prepared by the Millowners or was nearing completion. It included a cut in wages of weavers. The documents shown to me D 523 (43 volumes purporting to contain evidence before the Fawcett Committee) were published by the Millowners Association. My office supplied copies to the Joint Strike Committee. In June daily conferences of millowners and the representatives of the Joint Strike Committee took place in the Association's Committee room. I saw Nimbkar accused Dange accused, Alwe accused, Bradley accused, Mirajkar accused, Ghate accused and Jhabwala accused coming to some of these meetings. I was never present at these conferences. I believe they broke down on the question of the extent of the cut. At some stage a notice similar to the one in the Indian Daily Mail marked D 524 was issued. But the strike continued and did not come to an end. About a month prior to the final conference in October there was a similar conference, at the Secretariat I have know direct knowledge of what happened there. In the 2nd half of September there were more conferences between millowners and members of the Joint Strike Committee at the office. Shown a copy of Bombay Chronicle marked D 525 witness said: I remember that a deputation of Millowners did wait on the Governor in December 1928. The Millowners' Association never asked the Indian Merchants' Chamber and the Bombay Chamber of Commerce to wait on the Governor with a deputation. The signature on the paper shown to me and marked D 526 appears to be that of Mr. Jennings Director of Information etc. etc., whose signature I have frequently seen. Police reporters never attend the meetings of the Millowners' Association. The Association never received reports of labour leaders' speeches from the Com-

missioner of Police so far as I know. The Association had no reporters to report such speeches. The association never to my knowledge gave money to G. K. Mahamandal to start a paper. I dont remember seeing Mr. Mayekar at our office during the strike. I never saw any bundles of Kamkari in our office. The Association did not do any espionage work during the strike. So far as I remember there were only 2 Labour Unions in existence in the Textile industry prior to the 1924 strike namely the Bombay Textile Labour Union and the Girni Kamgar Mahamandal. I remember seeing one letter from the Bombay Textile Labour Union but not any from the Girni Kamgar Mahamandal. I remember that in the 1927 annual report the Millowners Association termed the representations of the Bombay Textile Labour Union as officious or something of that kind. The paper shown to me (D 423) is part of a chart issued by the Millowners' Association annually. I identify the signature of Mr. Stone in D 465 (1) and of Mr. Mant'y in D. 465 (2) and (4) and also of that Mr. Watts in D 432 (2) and (6) and that of Mr. Bradely in D 432 (10) and that of N. N. Wadia in D 432 (12). I am a familiar with Mr. Bakhle's signature, and recognise it in the paper D 113, and in D 165 (6), and in D 190 (100) and (103), and in D 208 (11) and (23) and in D 455 (1) and in D 485 page 33. We received a letter of the same kind as D 424 at the end of the 1929 riots but I cant say from what source.

By Dange accused. The paper described as Exhibit 4 in vol. 1 of D 523 must have been issued by the Association as this was published by us. I remember that the letter at page 96 of vol 2 of same was issued by the association. Replies were received. I remember that we received a letter containing the passage marked with red pencil on page 105 of vol 2 in D 523. The Millowners' Association is not a registered body.

By Alwe accused. I don't think the association is consulted by a member before making a cut in wages. I am not aware of any conflict in the association about the standardisation scheme. That scheme was not in existence before 1928. It has not yet been introduced anywhere. So far as I am aware no resolution was passed in the Association about the 3 loomes and 2 sides system. The correspondence is divided between the Secretary, the Assistant Secretary and myself.

By Joglekar accused. Nothing relevant.

For Joshi and others. I am not aware of any inquiry having been made from the Association at end of 1928 or beginning of 1929 by Government or by any Police officer regarding the activities of Communists. I dont know any Mr. Horton. The Association never investigated the activities of Communists and had no reason to do so.

By other accused. Nil.

REXXN. The reason why no reply was sent to the Joint Strike Committee's letter of 3-5-28 was that the Association was prepared to deal with representatives of registered trade unions only

Read and admitted correct,

(Sd.) R. L. Yorke

4-11-30

Note: Defence do not want Sergeant Dewry P. W. 124 in Lower Court called for cross-examination in this Court.

(Sd.) R. L. Yorke.

4-11-30

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## P. W. 235

*Sub Inspector D. E. Kambhatta on S. A. No. 92 in Lower Court. In English.*

I searched the house of one D. B. Kulkarni at Manmad acting on warrant Exh P. 871. I had with me search witnesses one of whom was Mr. H. W. Gotting. I prepared a search list of the articles found and seized. This is it Exh P. 872. It is signed by me and by the witnesses. The papers seized were also signed both by me and by the witnesses. In this search the paper Exh P. 873 was found.

XXN. For Joshi and others. There was an office of the G. I. P. Railway Union at Manmad. That office was not searched on the day I searched Mr. Kulkarni's house. That office was near the Railway station. In this search the following papers were also recovered namely D. 527 to D. 532.

By other accused. NIL.

Read and admitted correct.

REXXN. Nil.

Sd. R. L. Yorke

4. 11. 30

## P. W. 236

*P. Brij Mohan Lal on S. A. No. 253 in Lower Court. In English.*

I am Deputy Superintendent of Police at Jubbulpur. On 20.3.29 I searched the house of one Abdul Ghani at Jubbulpur acting on search warrant Exh P. 2198. I had 2 witnesses Mr. S. K. Ghosh and one other. I prepared a list Exh P. 2199 of the articles seized and found and it is signed by me and the witnesses. It correctly records the articles found and seized. The articles seized were signed that is initialled by me and by the witnesses. Among the papers seized in this search were Exhs P. 2200 and P. 2201.

XXN. For Joshi and others. Abdul Ghani is at present in jail I believe in Saugor district. He went away immediately after the search I believe. He had started packing up things at the time of search. I took no statement from him in regard to Exh P. 2201. So far as I remember it had no envelope with it.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

7. 11. 30

The prosecution tenders for cross-examination Mr. S. K. Ghosh No. 254 in Lower Court. No accused wishes to cross-examine him and he is therefore discharged.

Sd. R. L. Yorke

7. 11. 30

## P. W. 237

*Sergeant Watkins on S. A. No. 127 in Lower Court. In English.*

On 20. 3. 29 I searched the house of one G. G. Shah at Ranchod Bhuwan Girgaon Back Road Bombay acting on warrant Exh P. 1278. I had with me 2 search witnesses A. R. Thiyar and

another. I prepared a search list correctly recording the documents found and seized. It is signed by myself and the witnesses and is Exh P. 1279. The papers recovered were signed by myself and by the witnesses. Among the papers seized were Exh P. 1280 and P. 1281. The search witness Thiyer was produced in the Lower Court. He had then gone to Dhulia in West Khandesh but we managed to get him. This time we have been unable to trace him and summonses have been returned on 2 occasions with a report that he was untraced. Exh P. 1281 was recovered from the waste paper basket in its present torn condition and I initialled each piece.

XXN. For Joshi and others. The other witness Rustamjee Ardeshar had gone to Persia at time of hearing in Lower Court. He is a Persian who had a shop in Bombay. I have not made any inquiries about him since the hearing in Lower Court. I don't know where Mr. Shah is. I never met him after 20th March. I know nothing about Mr. Lotwalla.

By Nimbkar accused. The building in which the room searched is situated is called the R. L. Trust Hostel. This gentleman Mr. Shah had two small room sand he was alone there. I did not visit the neighbouring rooms. I had made inquiries in the locality and ascertained that Mr. Shah was staying there. There was no signboard on the room searched. I was stationed at Kolaba Police station at that time. I had gone there in March 1928.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

7. 11. 30

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## P. W. 238

*Mr. N. K. Purandare on S. A. No. 173 in Lower Court.  
In English.*

I am at present Inspector in charge of R. M. S. Training school at Poona. In February 1929 I was Inspector of Foreign Mails in Bombay. It was then part of my duty to intercept



proscribed or other objectionable literature. In the course of my duties I intercepted Exh P. 1512, P. 1512 A and P. 1512 E. The packet was damaged and I opened it to satisfy myself that the contents were correct. I then found that it was from M. N. Roy so I intercepted it and forwarded it to the Director Intelligence Bureau Simla.

XNX. For Joshi and others. I intercepted many packets purporting to come from M. N. Roy with either manuscript or typed signatures. It is possible that some of these packets were addressed to the daily newspapers like the Bombay Chronicle or the National Herald. All packets coming from M. N. Roy were withheld and sent to the Director Intelligence Bureau Simla.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

7. 11. 30

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## P. W. 239

*R. K. Karanth on S. A. No. 309 in Lower Court In English.*

I live at Gladhurst, Santa Cruz Bombay, and have been living there some 6 or 7 years. I know Ghate accused. He was my class mate at school since about 1907. He knew that I was living at Santa Cruz and the address though he may not have actually seen the house. For some time he was without employment and at that time he asked me to receive letters addressed to him and hand them over to him. I did receive some letters for him. One or 2 letters were addressed to him care of me and one or two were addressed to me on the envelope but inside there was another envelope addressed to him. I don't remember how long ago this was. When I received such letters I handed them over to him. I identify Ghate in Court. (pointing him out).

XXN. For Joshi and others. I cant remember whether the letters which were addressed to Ghate care of me came before or after the others.

By other accused. NIL.

REXXN. NIL. .

Read and admitted correct.

(Sd.) R. L. Yorke.

7-11-30

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## P W 240

*Inspector R. K. N. R. Nayam Palli on S. A. No. 126 in Lower Court. In English.*

I know accused M. G. Desai in Court. That is he. I arrested him on 20. 3. 29 acting on warrant Exh P. 1237. I arrested him in his house at Sandhurst Road which I searched acting on Warrant Exh P. 1238. I had also a search warrant for the office of the Spark Exh P. 1239. They were both the same premises. I took 2 search witnesses with me S. A. Palkhiwala and another. I prepared a search list for both premises. Exh P. 1240 and it is signed by me and by the witnesses and is a correct record of what I found and seized. I and the witnesses also initialled the documents found. Among the documents found and seized were Exhs P. 1241 to P. 1277.

XXN. For Joshi and others. In this search the books marked D. 533 to D. 554 and D. 5, D. 5a and D. 5b were also recovered. I seized only such books as appeared to come within the terms of the instructions attached to the warrant. I left behind others. I also left behind a number of copies of Times of India, Manchester Guardian, Bombay Chronicle and other newspapers.

By Nimbkar accused. In 1928 and 1926 I was in the crime branch of the Criminal Intelligence Department.

By other accused. Nil.

REXXN. NIL.

Read and admitted correct.

Sd/- R. L. Yorke.

7-11-30.

Mr. S. A. Palkhiwala P. W. 188 in the Lower Court search-witness is tendered for XXN. No one wishes to cross-examine him and he is therefore discharged.

(Sd) R. L. Yorke

7-11-30

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## P. W. 241

*Mr. H. W. Gotting on S. A. No. 93 in Lower Court. In English. Tendered for xxn only.*

By Joglekar accused. I have 23 years service, in the Great Indian Peninsula Railway throughout. In 1920 I was under Mr. Pryke at Igatpuri. After the war the G. I. P. workers got some increase, probably in 1918. I belong to the Amalgamated Union of Railwaymen or Amalgamated Society of Railway Servants. I went to Manmad in 1923, and was there till August 1930. The working hours of coaching department are 12 hours. I have not heard any complaints about the non-introduction of the 8 hour day system. (Question in regard to rate of pay of certain workers, and about racial distinction etc disallowed). The men under me have never complained about want of leave. I know Mr. D.B. Kulkarni. I dont know if he has been dismissed. I dont know if there was a Railwaymen's Conference at Bhusawal in April 1928. I get advices of debits raised.

Sd R. L. Yorke

7. 11. 30.

Continued on S. A. I think I have seen notices of Staff Council meetings in the weekly notices. I am not a member of any and dont know any members. Complaints made by my subordinate staff are not necessarily made through me. They ought to be made through me but some of them go through other channels.

By Nimbkar accused. When I joined the Society it was called the Amalgamated Society of Railway Servants of India and Burma. It is now called the National Union of Railwaymen. I cant tell you whether it is a fact that the bulk of the members are Anglo Indians and high salaried officers of the Railway. I dont know if it is affiliated to the All India Trade Union Congress, or to the A. I. Railwaymen Federation. I am only an ordinary member and dont attend the annual meetings. I do not give permission to the staff unions to hold meetings on the Railway premises but if permission is obtained from higher quarters I would do so.

By Dange accused. My Union issues the Railway Times. I was a member of the Union 9 years ago. The only way I know it exists is that I pay my subscription.

By other accused. Nil.

REXXN. Nil.

Read and admitted correct.

Sd/- R. L. Yorke.

8. 11. 30.

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Saraswati Machine Printing Press, Meerut. (U. P.) India.

## P. W. 242

*Major Doyle I. M. S. on S. A. No. 153 in Lower Court. In English.*

I am at present Inspector General of Prisons Bombay. In 1927, 28 I was Superintendent of the Yerawda Jail, Poona. While I was there there was a prisoner in the jail called George Allison otherwise called Donald Campbell. He was there from 23. 3. 27 to 20. 5. 28 on which date he was transferred to Bombay. During the time he was in my jail all his letters were submitted to me for censorship. I am acquainted with his handwriting because I saw every letter he wrote there. I have also seen him write in front of me. (Note. Mr. Sinha puts forward the same objection to the evidence of this witness in regard to handwriting as to that of Col. Rahman P. W. 133) In my opinion the handwriting in Exh P. 50 is that of the said Campbell. Exh P 1469 is a letter which in my opinion is in Campbell's writing and which was produced from my office file. In Exh P. 1144 I would think that the word 'part' on the 1st page was in Campbell's handwriting. It is 2 years however since I dealt with his handwriting. At top of page 2 the word 'all' I am sure is in his handwriting. The 'D' at the end is in a peculiar form which Campbell was in the habit of using. The writing D Campbell on the 4 sheets Exhs P. 1948 (1) to (4) are certainly in his handwriting. The handwriting in Exh P 1949 I should say is Campbell's.

Exh P. 1470 is a letter purporting to be from S. V. Ghate which I received as Superintendent Yerawda Jail and which was produced from my file. Exh P 1471 purporting to be from D. R. Thengde with envelope P 1471 E was similarly received by me, and produced from my office file. Exh P. 1472 is a letter purporting to be from S. S. Mirajkar which was similarly received by me and forwarded by me to the Secretary to Government. Exh P 1473(1) was similarly received by me and forwarded to Deputy Inspector General of Criminal Intelligence Department Poona. Exh P. 1473 (2) is my covering letter.

XXN. For Joshi and others. I was Superintendent of Yerawda for nearly 4 years. I was Superintendent of a Jail from 1923 to 1929. Our rules require us to see as many letters as possible. But it is impossible for me to see all and I entrust part of the work to the Senior Jailer. A Mr. Cowper was Senior Jailer when Campbell was in Yerawda Jail. I obviously cant remember the particulars of all the many letters which passed through my hands. We dont necessarily sign or initial letters censored. Except P. 1473 (2) none of these letters bears my signature.

Exhs P. 1469 to P. 1473 all passed through my hands. I don't say that from memory only. I produced them from my office file for one thing and we have office copies of most of them. I could not give an estimate of the number of prisoners whose handwriting I could identify. Campbell wrote in my presence several times, I can't say how many. I noticed certain salient characteristics in his handwriting, in the same way as one notices salient characteristics of one's wife's handwriting. Such are the ways he forms a capital I and a capital D. I can't describe the characteristic of the D though I can imitate it. (Witness did so.) I cannot say when I last saw Campbell write in my presence. I had special instructions from Government to deal with Campbell's letters, and as a result of that I became familiar with them. But I had no special instructions to make myself familiar with his writing. I looked at Exh P. 1469 after Campbell's release when I knew I had to give evidence here. My orders were to produce letters written to Campbell but naturally I went through the file and so I saw Exh P. 1469. Campbell wrote a large number of letters while in jail. I have office copies of them all here with me in the file. I did not get any of them photographed before they were sent out. All letters written by him were sent to the C. I. D. Bombay before being passed. That was under special instructions received from Government. Campbell was allowed special concessions as his people lived in England and he could not get interviews. The usual rule is one letter in 3 months for a prisoner in his class. He was allowed 2. The rules do not ordinarily require applications for interviews with prisoners to be kept. Exh P. 1473 (1) is not an office copy but the original letter received in my office. It came by post. I open all my correspondence myself and must have opened this. I never saw Exhs P. 50, P. 1144, P. 1948 series and P. 1949 until I saw them in the Lower Court. The initial on the endorsement Not Sent on Exh P. 1469 are Mr. Cowper's. (Mr. Sinha objects that P. 50 is a privileged communication as addressed to Campbell's lawyer.)

By Nimbkar accused. I don't remember the name of a prisoner Pangarkar or any inquiry being made from me about him. I don't know if one D. M. Pangarkar is in any of the Bombay Jails or not. We have no persons in the jails technically called Political prisoners but A B and C class prisoners. The classification of prisoners does not rest with me or the jail department but with the Government. I have received complaints about the treatment given to the so-called-political prisoners in the Yerawda Jail in the last 2 years. There have been hungerstrikes by such prisoners in that jail. No so-called political prisoner has been flogged in the Yerawda Jail. I am not aware of any case in which

prisoners were brought back inside a jail after release and flogged for shouting 'Jai's' outside the gate. It is a fact that Visapur extramural jail was a jail for ordinary prisoners and is now the same for C class prisoners. It was abolished in 1928 and reopened this year.

(Note. Crown Counsel objects that the cross-examination to credit has been taken as far as is reasonable. He made no objection to that crossxxn at the start and in fact expressed that he had no objection. Accused asks me to record that his crossxxa was intended to show malice against political (so-called prisoners on the part of the witness. I hold further xxn on the point irrelevant.)

I believe Campbell did do grinding in the jail but I dont think he ever did 40 lbs.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

10-11-30

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## P. W. 243

*D. K. Kelkar on S. A. No. 308 in Lower Court, In English.*

I am a teacher in the Hindu High School, at Panchgani near Mahabaleshwar in the Bombay province. I have been there 5 or 6 years. I know a man called Anant Bhaskar Khardikar. The photograph in Exh P. 2456 is of that man. I know he comes from the Nasik district. He was also a teacher in that school for a year or 2 along with me. I have had letters from him. He left the school some 3 years back. He went from India last year. I wrote to him and received replies. I got one letter from England and one from Germany. The handwriting in Exh P 2457 P shown to me looks like his handwriting and I remember getting a letter something like that one. I have torn up the original letter and have no longer got it in my possession. The enclosure Exh P 2457 (1)

I was to hand over to another teacher to whom it was addressed and I did so. Before this letter Khardikar wrote me several letters but after this one I dont remember receiving any more. I noted his address. I wrote a letter to him at that address. The letter Exh P 2458 P shown to me contains a signature like mine and the writing is like mine. On reading the letter I remember writing something like that. I did pay his subscription to the Kesari as stated in this letter and told Khardikar about it. The signature of Khardikar in Exh P 2456 looks to me like the signature of the Khardikar I know. The signature in Exh P 1281 shown to me looks like Khardikar's and the writing also but I am not quite so sure about the writing as about the signature. Khardikar gave me the same information as he has given in P 1281 namely that he had got a few tuitions in Sanskrit. Looking at Exh P 2421 I think it is difficult in this case to say anything about the handwriting. There is no signature and it is a photograph and the photograph itself is not very clear. The L in London on the envelope however gives me some impressions of being like Khardikar's writing. I myself sometimes write articles in Indian papers and Magazines.

XXN. For Joshi and others. In the cases where I have said something was like Khardikar's writing I have been helped by seeing his signature there. I do find it difficult to recognise writing in a photographic reproduction. I had never seen such photographic reproduction until I saw these in the Lower Court. I said the writing looked like Khardikar's because I cant be quite sure from seeing photographs. My acquaintance with Khardikar was nothing special but like my acquaintance with other teachers. What I have said is from an impression only. I did not receive any notice from the prosecution or the Lower Court to produce any letter I had received from Khardikar. In Exh P 1281 I say that the signature A B Khardikar looks like Khardikar's signature.

To Court. By looking at the letters I say Khardikar probably left India more than a year ago. I dont remember the exact date.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

11-11-30



## P. W. 244

*Rao Sahib Patwardhan on S. A. No. 104 in Lower Court.  
In English.*

I am an Inspector of Police Bombay and was so in March 1929. I know Dange accused in Court and arrested him on 20. 3. 29 acting on warrant Exh P. 968 at his house in Moolji Haridas ' Chawl in Nagu Sayyaji ' Wadi. I searched his room acting on warrant Exh P. 969. I had 2 search witnesses with me Narsingh Krishna and another. Dange accused was present throughout the search as was one Wasudeo Hari Joshi. I knew Mr. Joshi before and his name. He was a friend of Dange accused. I prepared a search list Exh P. 970 which is a correct record of the articles found and seized. It is signed by the witnesses and by me. I and the witnesses also signed each document recovered. Among the papers found and seized in this search, were Exhs P. 971, P. 973 to P. 981, P. 984 to P. 997, and P. 999 to P. 1004.

I know Philip Spratt accused. I searched his room on 6. 9. 27 in the Young Men's Christian Association and prepared a correct search list Exh P. 1005. The witnesses were H. W. Bryant and E. F. Halliwell. The list was typed on Spratt accused's typewriter as stated in the search list. In that search the following papers and articles were seized: Exh P. 1006 to P. 1013. The witnesses initialled every paper. I handed over all these papers to Mr. Jacob Deputy Commissioner of Police.

I know Mirajkar accused and saw him today. I searched his premises on 28. 7. 27. I prepared a search list Exh P. 1014. It is a correct list signed by me and by the 2 witnesses. (Mr. Sinha objects to the use of documents used in the previous trial of Spratt accused in 1927)

Exh P. 1015 is a document which was given to me in the Indian National Congress Pandal at Madras in 1927 December. Copies of it were being distributed in the Pandal.

The 2 leaflets Exh P. 1016 were being distributed by Joglekar accused in Court and Spratt in January 1928 in Bombay.

Exh P. 1017 was given to me by Mirajkar accused himself in 1927 early in the year at his own house. It appeared first in the newspaper. Then I went and saw him and he took out this copy in his own house and signed it and gave it to me. He made his signature on every page. Signatures encircled with red pencil.

I was in Bombay on 1st May 1927. There was a May day celebration that day which I saw. The procession started from

Parel and I saw it there. At Parel I saw Joglekar, Mirajkar, Jhabwala and others taking part. I have now seen the report which I made when my memory was fresh. I also saw an old man Thengde, Ghate, Spratt and Nimbkar accused and N. M. Joshi. Members of the procession were carrying red flags and placards bearing the title 'Workers of the world, Unite', and others bearing the names of Labour Unions. The procession ultimately reached De Lisle Road where a meeting was held. Thengde, Joshi and Jhabwala went in a car at the head of the procession. The meeting was attended by about 2000 people and speeches were made by Thengde, Joshi, Spratt, Jhabwala. Mirajkar and Joglekar accused and others. On the day previous to Mayday Spratt Thengde Jhabwala Mirajkar Nimbkar and Ghate went on foot from Chinchpokli to Poibaodi in the mill area distributing handbills asking the Workers to join the Mayday celebration the next day. I saw the handbills. They were carrying red flags. I got a copy of the handbills but have not got it here. I dont know where it is now. Mirajkar accused was beating a thali.

Sd. R. L. Yorke

11. 11. 30.

Continued on S. A. One of the handbills referred to Yesterday as distributed on the day preceding Mayday is pasted on the back of my report. Tendered and marked Exh P. 2522. (Witness read this over to the Court translating it sentence by sentence.)

I was in Bombay on 3. 2. 28 the day of the Simon Commission's arrival. On that day I saw a procession of some 400 men formed by S. S. Mirajkar opposite the B. B. C. I. Railway workshop at De Lisle Road at 8. 30 a. m. Some of the processionists were carrying black flags and also placards bearing inscriptions e. g. B. B. C. I. Railway Workmen's Union, Workers and Peasants Party; the procession went along Elphinstone Road to Poibodi, Parel, where it was joined by about 3000 workmen of the G. I. P. workshop. The workmen were wearing red armlets, and some of the processionists were carrying placards bearing inscription e. g. 'Workers of the World, Unite', 'Down with Capitalism and Imperialism' 'Eight hours work and full wages', 'Simon go back', 'Nothing short of Independence', 'Adult Suffrage'. The procession then went along Parel Road, Arthur Road Lamington Road and Foras Road. It was followed by Jhabwala, Mirajkar, Dange, Ghate, Spratt, Nimbkar, Joglekar, and Alwe accused among others. At Foras Road a meeting was held which was addressed by Mirajkar, Jhabwala, Spratt and Nimbkar accused. Mirajkar said that a band of 7 thieves in the form of the Simon Commission had come to India to rob them.

They would now burn their effigies and show them that they were not wanted there. Jhabwala said that double the number of audience was left behind as they were halfstarved and unable to walk and Government was responsible for all this. The present Government was of the Capitalists and they wanted to break it. Spratt said that the Importance of the day was very great and that this was the 1st political strike of the workers, and he hoped it was not the last. Nimbkar accused said he congratulated the workers of the G. I. P. Railway for coming on strike that day and added that they wanted complete independence. Ultimately the effigies were burned and the meeting ended. I know by sight all the accused I have named and identify in Court Nimbkar, Joglekar, Mirajkar, Dange, Jhabwala, Ghate and Alwe.

XXN. By Nimbkar accused. I was in charge of Hindu Political branch C. I. D. Special Branch for some years before 1925. Since 1925 to July 1929 I have been in charge of Labour department. I was not the 1st officer to hold that position. I succeeded Inspector D. B. Karnik in it. I think he was the first to hold it. I attended the Madras session of the Indian National Congress in 1927. I cant say who actually gave me Exh P. 1015, or whether it was distributed to all delegates or only to the members of All India Congress Committee. I did not receive any other papers along with it. I dont recall whether or not I received it attached to some other paper of the Agenda. I did not try to collect papers in regard to the agenda before the Subjects Committee of the Congress. I think that for general information I had got a copy of the Agenda for the Open Session of the Congress. I did not try to get more information in regard to P. 1015 after I got it. By way of general usage I know that in practice the provincial Congress committees submit their resolutions and recommendations to the General Secretary of the Congress for submission to the Subjects Committee. I dont remember whether the resolutions in Exh P. 1015 were seen by me in the agenda for the open sessions. Before July 1929 I was living in Dadar, that is G. I. P. Dadar. I attended the Madras Congress on some days only. I think I did so on the opening day i.e. 26th December. I cant remember about the 2nd, or 3rd. I think. I was present on the day when the Independence resolution was passed. I dont remember whether I was present when that one about Hindu Moslem unity was passed. I cant remember whether the resolution on page 3 of D 182 was passed or not. It was not my job to see how many and which resolutions were passed at the session. I was sent to the Congress to see what Bombay people were doing there. I remember certain striking things as well and not only those things with which Bombay people were connected. I dont remember to have submitted any report after this Congress.

That means that to my knowledge nothing striking was done by Bombay people in the Congress. To Court. By the words 'to my knowledge' I mean 'so far as my knowledge goes.' To accused. I returned to Bombay in the beginning of January 1928. I dont know the date. I was present at the 1st Trade Union Congress held in Bombay in 1920. Lala Lajpat Rai presided. There was no Labour Branch in the Special branch in 1920. I was in charge of the Hindu political branch then. It was my duty to collect information in regard to labour activities then. I remember the 1920 strike. It was about wages. The workers got something in the strike, an increment. I remember a strike in 1925 which was again about wages an 11½ per cent cut which the owners wanted. The millowners ultimately restored the cut. Some of the accused took some part in that strike. I think I saw you, Joglekar, Dange, Jhabwala, possibly Alwe also. It may be Dange was in jail then.

Sd. R L. Yorke

12. 11. 30

Continued on S. A. From 1925 to 1928 general strike I was on duty all the time. In 1928 I was on leave for 4 months from March to June. After that I was on duty again up to March 1929. I supply information to the Government Labour office also. To the best of my recollection the list of strikes on pages 4 to 5 of the Fawcett Committee report is correct. It was I who probably supplied the original information to the Labour office.

The Bombay Textile Labour Union of Mr. Joshi was started after the 1925 strike. The Girni Kamgar Mahamandal was in existence already. Mayekar and Alwe accused were both connected with it. In the 1925 strike the representatives of the Millowners Association were negotiating with the representatives of the Girni Kamgar Mahamandal. The Apollo mill strike was in August and September 1927. Whenever there is a lightning strike I generally go to the mill concerned to ascertain the causes. To the best of my knowledge the grievances stated in para 10 on page 6 and the 1st sentence of para 11 of the Fawcett Committee Report (Official publication) were expressed by the workers prior to and during the General strike of 1928. I was present at the Secretariat in August 1928 when a Conference took place (not in my presence) between the Millowners and Labour Representatives under the Presidency of the General Member of Government. I remember seeing Dange accused going into the Conference room and I think but am not sure Jhabwala accused. I believe Bradley, Nimbkar and Alwe accused also went into the room. I am aware that

after this conference Dr Desmukh President then of the Bombay Corporation was working to effect a settlement of the strike. I went to the Municipal Corporation Hall on the day of discussion of Dr. Chokse's resolution about aid to the strikers. I did not go in but only went for a few minutes to hear the result. I can't remember how much of a crowd had gathered. Soon after the settlement for a day or two I saw meetings being held in which the leaders explained the terms of the agreement and asked the workers to go back to work. I remember seeing Nimbkar accused at the New Great Eastern Mill soon after the General Strike. I was at the time of a lightning strike there. I don't know what he had gone for. I don't know if it is a fact that the mill began working again next day.

There were some strikes in the oil companies prior to the strike in 1928-29 which began in December 1928. I remember attempts being made by Nimbkar accused to start a Union of men working in the oil companies. I can't say that it was immediately to the 1928-29 strike, or whether the Union was in existence before the strike started, or was registered before the strike. Pangarkar was assisting Nimbkar accused. Up to the date of Nimbkar's arrest March 20 I did not know whether the Union had been formed and registered. I used to visit the oil companies' premises from the beginning of the strike up to March 20, 1929 from time to time to make inquiries. I had some talks with Pangarkar and with Nimbkar during the strike. The Burmah Shell Company engaged Pathans in the works temporarily but I believe it was a long time after the strike began, possibly a month or so. Some time in January 1929 there was trouble between the Pathans and the strikers. I don't know whether any conference was held between Nimbkar accused and Pangarkar and the oil works officials. I don't know if the Pathans continued to work up to March 20th 1929. I don't remember Nimbkar telling me in March that he was going to see the General Member and failing him the Governor to get the oil strike settled. Pangarkar was deported under the Foreigners' Act on March 28, 1929. He has been doing Trade Union work in Bombay for a year or so before that. The oil strike workers had I know made one condition of settlement only namely the recognition of the Union; that was so more or less throughout the strike.

In the Labour area the hartal for the Simon Commission arrival on 3. 2. 28 was called by the Labour Leaders. I can't be sure whether I saw the handbill D 496 about that time or not. I don't know who paid the expenses of the procession I saw on third Feb. I can't say that the procession I saw was not part of the Congress programme for that day. I was present with the procession from

where it started namely at De Lisle Road. Thence I went to Matunga and along Parel Road to Foras Road. From Matunga I came with the Matunga procession. The meeting ended at about noon. I was not continuously with the procession. I don't remember where I saw Nimbkar in the procession, or whether he was walking behind it. I saw Mr. Ginwala in the procession and I think at Matunga. In the procession I saw Mr. B. F. Bharucha and V. A. Desai.

There were Mayday celebrations in Bombay before 1927, or rather there was one so far as I remember. I did not remain all along with the Mayday procession.

I obtained Exh P 1017 in order to get 1st hand information and confirm the newspaper report. I did not ask Miraj-accused to sign the copy on every page. He said he would give me a signed copy. I only called on him once for this copy. It is not correct to say that I called several times and he was persistently refusing, nor that he signed at my dictation and threat.

There was a strike in the mills of the Sassoon group in January 1928. It was a protest against the introduction of the 3 loom 2 frame system. Joglekar accused was then working with Mayekar of the G. K. Mahamandal. That strike fizzled out after about 2 months. I am not familiar with the signature of N. M. Joshi.

By Dange accused. In the search of Dange accused's quarters the following papers were also found and seized: papers marked for identification D 556 to D 564 and also D 523. They all bear my signature. The 3rd signature on P 985 which is in Marathi is that of Bhiwar Tanset Alwe. The same signature appears on D 559 and D 562. He was the joint treasurer of the Girni Kamgar Union.

By Alwe accused. I remember the bonus strike of 1923. I try to get the handbills distributed by the Unions. I attended worker's meetings rarely but I send my men to the meetings, not reporters. I remember that at the time of the strike in Sassoon group in early 1928 at meetings Alwe was advising the workers of other mills not to go out on strike. That the 3 loom 2 frame system was subsequently introduced in the Finaly group but I don't remember if there was a strike. Volunteers were picketing the mills in the 1928 strike. Alwe used to be a mill worker but has spent recent years in agitation. As far as I know he was not working in a mill in March 1928. I don't know if he worked in a mill after the General strike.

By Joglekar accused. There was a session of the All India Trade Union Congress held in Bombay in the Damodar Thackersey

Hall under the presidency of Thengde accused. The leaflet on pages 30 to 32 of D 485 was distributed in that session. The G. I. P. Railway Union was originally called the G. I. P. Railway workmen's union. I remember keen feeling and meetings at Matunga about a medical examination grievance. I also remember one once about nonrecognition of the Union. I heard these mentioned in meetings. Mr. Ginwala was for some time president of the G. I. P. workmen's union. There used to be a paper called Kamkari. Mayekar was editing. In the 1925 textile strike relief was being distributed. Volunteers were distributing. I did not always see peaceful picketing when visited the mill area after my return from leave in 1928. It was sometimes violent. The office of the Joint strike committee in 1928 strike was at the Servants of India Society house in Sandhurst road. Strike Committee meetings were held there and at Damodar Thackersey Hall. I know Mr. Asole M. L. C. He is one of the vice-presidents of the Bombay Textile Labour Union. He was a member of the strike committee. So was Syed Munawar M. L. C. who was joint secretary of that committee with Nimbkar accused. N. M. Joshi M. L. A. was also a member of that Committee. I know by sight one Umar Rajab a municipal corporator. He was a textile worker, and a member of the strike committee.

(Sd) R. L. Yorke

13-11-30

Continued on S. A. Paper shown to me marked D 45 (18) is an English version of the President's address at the All India Trade Union Congress session at Bombay; copies of this also were distributed at the session. I remember now a meeting in the evening at Nagu Sayyaji's Wadi for the Reception of Tom Shaw and others. I used to visit Mayekar occasionally to get information about Girni Kamgar Mahamandal activities. I never visited Girni Kamgar Mahamandal office. I also made inquiries from Joglekar and Alwe accused. In the 1927 Apolo strike I remember that Joglekar accused was taking a leading part with Mayekar. I saw him picketing. Picketers were wearing a red badge of the Girni Kamgar Mahamandal but I can't recall if Joglekar accused was wearing one. I met Joglekar accused at the house of A.S. Sathe in connection with Ganpat Puja once. I remember attending the reception to Purcell and Hallsworth at the Servants of India Society Hall when Mr. Ginwala was presiding. I saw Joglekar there. I was also at a meeting at Marwari Vidyalaya hall with Jhabwala presiding when Purcell and Hallsworth were present. I was present at a meeting in August 1928 when the G. I. P. Ry employees Union and workmens' union were amalgamated and the G.I.P. Railwaymen's Union formed.

I was there for a short time only. I was present at some meetings before that when demands were discussed e. g. Rs. 30 living wage, 8 hours day, and medical examination. I sometimes visited the G. I. P. Railwaymen's union office near Damodar Thackersay hall and met Jhabwala accused there. I went to get information. Some members of the Bombay Textile Labour Union took part in the 1928 general mill strike.

For Joshi and others. Searchlist Exh P 970 was written under my instructions that is dictation by S.I. Mansarikar. Papers marked D. 565 was also found in that search. Spratt accused's search conducted by me was in connection with the publication of a proscribed book 'India and China'. The searchwarrant was returned to the Magistrate. I was not given with it any list of articles to be searched for and seized. I searched his room thoroughly, including the boxes containing files, for papers. Inspector Desai was taking the search under my instructions. I cant say if Messrs. Bryant and Hali were well still in India. I dont know what Mr. Jacob did with the papers which I handed over to him. I took no part in the investigation of that case against Spratt accused. Mr. Jacob was making the investigation in it.

Mirajkar accused's search was in connection with the same publication. In the meetings of the Indian Nation Congress a large number of papers is distributed daily in the Pandal. They do not all emanate from the Congress authorities. The writing in red pencil at top right hand corner of P 1015 is not in my hand. It was complete then as it is now. The writing in ink in top right hand corner of P 1016 is also not mine. I cant say in what newspaper the text or substance of P 1017 was seen by me. I did not receive it in 2 instalments of 2 pages at a time. Mirajkar accused knew me before that occasion. I did not tell him why I wanted the paper. I was not asked by my superior officers to get a copy. It was part of my duty and I did it on my own. It is not a fact that the signature were taken at my request on a subsequent occasion and not on the same occasion on which he gave me the paper.

In the Mayday procession I saw besides the persons named by me R. C. L. Surwe of the Telegraphists Union R. R. Bakhle. The procession contained men from the Municipal workshops, from Worli Pumping station, G. I. P. Ry union. Pressworkers' Union, Textile Labour Union, and Gold thread workers union. As noted in my report full verbatim reports of the speeches were sent subsequently. The other speakers were Surwe and Kadir Khan. The gist of speeches delivered was advice to the men to join Labour unions so that Labour can present a united front and fight for their rights. Resolutions were passed the substance of



which was Protest in increase of Tramway fares, protest against British Trade Union. Bill now before Parliament, and urging the workers to unite and shape their own destiny. The procession was orderly throughout.

I submitted only one report about the Anti Simon Commission demonstration. I was the only *officer* in my department for the labour area then. I only knew one Alwe, the accused. It is not a common name among workers. I don't remember whether I made any inquiries as to the presence of Alwe accused in Bombay on 3.2.28. In the procession that day I saw besides accused F. J. Ginwala, B. F. Bhurcha, V. A. Desai, V. P. Rele, Lalji Pendse, K. B. Kubal. Ginwala also spoke at the meeting. I did not submit a fuller report of the speeches later. I can't say if any Government shorthand reporter was present or any newspaper reporter.

By Nimbkar accused with permission. In the search of Dange's premises the following papers were also recovered: papers marked for identification D566, D567 and D524. I saw the pamphlet marked D 397 at the time of the Sasson strike in January 1928. It was issued by Bakhle. I also saw paper marked D 402 before but I can't say when. I got a copy of the same report as D 398 from Mr. Bakhle but I can't say when.

By other accused Nil. Rxxn. I am sure that Alwe was present in the Simon Commission procession. I had no occasion therefore to make any inquiry as to his presence in Bombay. I made over Exh P 1015 to my office. Inspector Desai keeps things of the kind. The writing in top right hand corner is his. In the search on 6-9-27 everything was not removed from Spratt's room. I took only such papers as seemed likely to be useful in that case. K. B. Abdul Karim was the local officer in charge of the Madras Congress. It was the duty of the local police to submit a report about the Congress. I left the C. I. D. in July 1929 and have not been in touch with it since.

Read and admitted correct.

Sd/- R. L. Yorke

14-11-30

The prosecution tenders search witness P. W. 105 of the Lower Court for xxn. No accused wishes to cross-examine him and he is therefore discharged.

Sd. R. L. Yorke

14. 11. 30

*Sh. Hasan Ali Yasin on S A. No. 147 in Lower Court.  
In English.*

I am an Inspector of Police in Bombay and in 1928 was attached to the Criminal Intelligence Department. I have been over 22 years in police. On 20. 3. 29 I searched the office of the G. I. P. Railwaymen's Union at Poibaodi, Parel acting on search warrant Exh P. 1443. I had with me 2 search witnesses Aluddin Abdül Rahman and another. I prepared a search list Exh P. 1444 of the documents found and seized which is a correct list. It is signed by me and by the witnesses. I and the witnesses both initialled the documents found and seized. In that search the following papers were found and seized among others, namely Exhs P. 1445 series to P. 1446 and P. 1449 to P. 1452 and P. 1454 to P. 1455 (1).

In 1928 I was in charge of the Labour branch of the C. I. D. from 1st March up to 30th June for 4 months. It was my duty to follow the movements of the Labour organisations and leaders. When I took over charge there were only 2 Labour Unions in the Textile Industry namely the Bombay Textile Labour Union of which Mr. N. M. Joshi was President and the Girni Kamgar Mahamandal of which A. A. Alwe accused was President and a Mr. Mayekar Secretary. The President and Secretary were quarrelling. I know this through leaflets published over the name of Alwe distributed in the Mill area. Exh P. 1462 is one such which was so distributed and I got one copy. Exh P. 1463 is another leaflet which I got in the mill area when it was being distributed in the month of March. Towards the end of March also Joglekar accused and Alwe accused came to me and told me that Mayekar was refusing to give up money, books and furniture belongings to the Union. They wanted me to help them get these things from Mayekar. I referred them to Court.

In the course of these 4 months I attended various meetings and heard speeches. I first saw accused taking part towards the end of March when a strike occurred in the 'Textile' mill. Meetings were then held daily in the morning. In the beginning Alwe, Joglekar, Mirajkar and Nimbkar accused attended these meetings, Alwe always and the others sometimes. Alwe especially pressed the workers to hold on and asked them to prepare for a general strike. From April 16th I saw Jhabwala, Bradley, Dange in addition to the other four. I also saw Kastle, and Ghate was always present but never spoke. The above were the prominent leaders and advocated general strike. Except Kastle and Ghate the others were addressing meetings nearly every day Bradley only spoke

occasionally. Soon after the General strike began Joglekar had left Bombay and was only coming back for a few days at a time every fortnights or so. Exh P. 1464 and P. 1465 are 2 leaflets of a kind which I saw and of which I obtained copies in which a general strike is advocated. Exh P. 1464 I produced from my file in the Lower Court. It came into my hands on 30th March 1928. Exh P. 1465 I got possession of on 9th April. From the 16th April onwards a General strike was developing and became complete except for one or 2 mills on the 26th. Before the 16th beginning from 1st March there had been 3 strikes in all: the "Textile" Mill strike from middle March to 3rd April, and again from 7th April. This strike merged in the general strike. The Kasturchand Mill's strike began on 3rd April and merged in the general strike Alwe's early speeches were made in connection with these strikes. From April 16th other speakers including accused named besides Alwe began advocating general strike.

During the Kasturchand mill strike early in morning of 6th or 7th April a procession started from by Dadar Railway station and went to Nagu Sayaji's Wadi. I accompanied it. In that procession I noticed Alwe, Joglekar, accused. They were the leaders.

In regard to the meetings after 16th April up to 30th June I prepared in the Lower Court from the reports in my file a statement showing the place and date of each meeting with details of which accused was present and which spoke. At most of these meetings I was personally present and as to the rest the details have been or will be deposed to by other witnesses who were actually present. (The statement was shown to contain an element of doubt and witness has to do it again.)

There was a Mayday meeting on 1.5.28 behind Gokhle's Hotel at Parel. It was held under the auspices of the Workers and Peasants Party and some other body, Trade Union something. Jhabwala presided. Nimbkar, Joglekar, Dange, Mirajkar and Bradley accused spoke. Jhabwala wanted all the labourers to unite and bring about Labour Raj. The other accused spoke in similar terms and advocated Labour Raj also. I saw various placards, Down with British Imperialism, Nothing short of Independence, and Workers of the World Unite.

I attended a meeting on 24th April 1928 in the morning at Nagu Sayyaji Wadi at which Alwe, Nimbkar, Dange, Jhabwala and Bradley were present and all of them spoke. Dange accused appealed for 1000 volunteers and asked those people to come forward who are ready to give their lives for the cause of Labour; he

wanted Labour's Raj in India just like Russia. He advocated general strike.

In the early part of the strike owing to the millowners being unwilling to deal with unregistered unions Mayekar first got a Union registered under the name of Girni Kamgar Mahamandal. After that Alwe got one registered under the name of Girni Kamgar Union.

(Rest reserved for tomorrow.)

Sd. R. L. Yorke

15. 11. 30

Recalled: on S. A. "Not attended" or "not present" in the statement of meetings means in all cases, even where it has been typed several times in a column, that I was not present at that particular meeting. It has no reference to any particular accused. The details in regard to meetings at which I was not present are taken from the reports which passed through me furnished by the officers who actually attended the meetings. Statement tendered as part of witness's statement.

Sd. R. L. Yorke

15. 11. 30

Continued on S. A. XXN. By Nimbkar accused. I dont know shorthand. There were no shorthand reporters present at the Mayday meeting in 1928. I had engaged private reporters on 27. 4. or 28. 4. 28, namely Mr. Macwan of Bombay Chronicle and Mr. Serur senior of the Times of India. It is not I but the Deputy Commissioner who engages them and I dont know what arrangements he made with them or their papers. That Mayday meeting was held under the auspices of the Workers and Peasants Party, the Trades Council, and the Bombay Provincial Congress Committee and also the Joint Mill strike Committee. At that meeting a resolution was moved.

(Sd) R. L. Yorke

17. 11. 30

The paper shown to me D. 568 (given to Court by accused Nimbkar) gives a true account of that resolution (compared in Court with witness's report). At that meeting there were other speakers besides those named e.g. Marcel Fernandez of the B.B.C.I. Railway Union, Narainswamy, and Syed Nur Ali of the Bombay Textile Labour Union, and Mr. Gokhle, of the B. B. C. I. Railway. At that meeting there were besides the banner of the Workers and

Peasants Party also banners of various unions, under the control of Jhabwala accused. Some of those unions were affiliated to the Bombay Trades Council, e.g. the B. B. C. I. Railway employees' union, the G. I. P. Railway employees' union, the Bombay Port Trust Railway employees' union, the Bombay Port Trust Employees' Union, the Bombay dockworkers union, the Bombay Municipal workers union. The Commissioner of Police had prohibited a procession of workers organised for that day. That procession did not go out. 3 other meetings were organised in Bombay for that day, one by the Seamen's union, one by the Bombay Textile Labour Union in Madanpura, and one in the Marwari Vidyalaya Hall.

The reason of the 'Textile' Mill strike was discontent amongst the weavers because the management refused to engage men in place of those who went on leave or absented themselves. I heard complaints from the workers myself. The previous system had been that a weaver in such cases engaged his own substitute. According to me and my inquiries that was the only reason of dispute. The negotiations in that strike were carried out by Nimbkar, Alwe and Joglekar accused and the strike was called off on 3rd April. A reduction in the rates for weaving blankets was the cause of the Kasturchand mill strike. The operatives used in the Bombay mills to clean the machinery themselves. The cause of the 2nd strike in Textile mill was a dispute about the cleaning of machinery, the dropping of tickets. So far as I know no efforts were made to settle the dispute but (volunteers) general strike was forced on. I do not know whether Alwe and Joglekar accused called on the Manager of the Kasturchand mill in the 1st week of April. That mill belonged to the Karrimbhoy Fazlbhoy group. It was not that group which went out on the 16th. The following mills went on strike on 16th April namely 'Mohammadbhai Karimbhai,' 'Pabai,' 'Fazalbhai,' 'Bombay Industrial,' 'Pearl Mill,' 'Crown mill,' 'Premier mill,' 'Globe,' 'Crescent,' and 'Mathura Dass mills. Except Crown, Globe and Bombay Industrial the rest belong to the Fazlbhoy group. The leaflet D 405 was seen by me on 1st May 1928. I saw it being distributed at a strikers' meeting. It contains list of demands. It was referred to by the speakers at the meeting. I was present at a meeting of strikers at Nagu Sayyaji's Wadi on 18-4-28 at which a strike Committee was elected. On the same day I attended a meeting called by the Bombay Textile Labour Union at DeLisle Road, to elect a strike Committee of that union. At the meeting at Madhe Bhawan on evening of 16th April a Mr. B. D. Mistri pleader was present and spoke. He is vice president of the B. B. C. I. Railway employees union. On 19th April a procession of workers was dispersed by force at the Kohinoor mills. Nimbkar and Mirajkar accused were assaulted by the

police on that occasion. There was a lathi charge. Between 16th April and 13th May I saw at strike meetings on one or more occasions Diwan Chaman Lal, Syed Munawwar, Syed Nur Ali, Narainswami, Mrs. Ratanben Mehta, Rao Bahadur Asole, and Mr. R. V. Perulekar. Picketing started a few days after the general strike began. The Commissioner of Police had given instructions to the section police that 2 picketers should be allowed to move about at the gate of each mill. As long as I was on duty that practice continued. The picketers wore the badges of the Joint Strike Committee. The Joint Strike Committee was formed on approximately the 27th or 28th April. It consisted of 30 members, 15 from Bombay Textile Labour Union and 15 from Girni Kamgar Mahamandal and Bombay Mill Workers Union. Besides accused the following among others were also members: N. M. Joshi M.L.A. Syed Munawwar, Asole, Ginwala M. L. C. Parulekar of Servants of India Society; these 5 were for the Bombay Textile Labour Union. Nimbkar and Syed Munawwar were joint secretaries, and Bradley accused and Parulekar the Joint treasurers.

The private reporters submitted their reports to me. So did the police shorthand reporters from Poona afterwards. They used to give me their notes along with a transcription together. They all submitted to me English transcriptions, not Marathi. I put my initials on the shorthand reports on receipt. My initials don't appear anywhere on transcriptions. I never made changes in the transcriptions. At the Bombay Textile Labour Union strike meeting on 18th April Ginwala agreed to the names proposed for the Strike Committee.

Firing took place on strikers on 23rd April 1928. I was not present. After that a number of mills closed. The Simplex mill closed on 24th. I remember 7 centres for distribution of relief to strikers.

By Alwe accused. I can't remember if I saw the leaflet pointed out to me.

By Joglekar accused. I searched one room divided into 2 by a partition. It was in the corner of the building. I left behind a good deal and can't say if I left behind files of the Railwaymen.

For Joshi and others. There is always since I have known the Criminal Intelligence Department that is since 1917 a labour Branch in the Criminal Intelligence Department whose duty it is to watch the activities of labour organisations and leaders. I was in charge for 4 months during the General strike of 1928. Rao Sahib Patwardhan was in charge before me. I was in sole charge for those 4 months. When a new union is organised it is our duty to-

find out how, when and by whom it has been organised. I was doing that work from 1-3-28 to 30th June only and had nothing to do with it before 1st March. We keep a file of each union. They must be in Criminal Intelligence Department record office. The Inspector in charge of the Confidential branch is in charge of it. I am not aware whether Mr. Horton or any other officer visited Bombay in connection with this case. Towards end of 1928 or beginning of 1929 the Deputy Commissioner called for a general report from me on the general strike. I do not know whether my report was wanted for this particular case, or whether it was for the Central Government. Apart from submitting my reports of specific meetings I did not maintain a diary of the meetings attended by me during the strike. Nor did I keep any notebook with notes of what I had seen during each day. I made rough notes when I was sitting openly in a meeting, otherwise mental notes. The rough notes were submitted attached to my reports and they may be in office still. I did not take a note of the names of picketers at any time. I used to see the picketers in the course of my rounds. It was the duty of the section police to see how picketing was carried on. In the early days up to the middle of May newspaper reporters used to attend the meetings; for Bombay Chronicle, Times of India and Sanj-wartaman. The only reporter whose name I know besides Macwan and Serur was one Desai. I used to see the newspaper reports of meetings I had attended. I used to cut them out and submit them with my reports. Speeches used to be delivered in Marathi, English and Hindustani mostly the 1st. I know all 3. I used to inquire the causes of strikes from the management and the men.

The passage in Jhabwala's speech on Mayday on which I based my summary runs as follows: "In spite of hard work the labourers were starving and the Capitalists continued to oppress them in various ways. They would suffer so long as they had no Labour Government. They could not be free simply by going on strike and some more sacrifices were needed on their part to destroy Capitalism."

The meeting of 24th April was on the day after the firing had taken place. The man who was killed in the firing was Parasram Mariba Jadao a worker in the Globe mill. In that meeting Jhabwala accused showed the work ticket of the deceased and an empty cartridge. He advised the strikers to go to their native country if they have funds. The audience did not appear to be excited but the leaders were making much of it. I should not have said they were excited.

At the end of 1928 and beginning of 1929 the Workers and Peasants Party were not on good terms with Jhabwala and wanted to oust him from all the unions. I know this from complaint

made to me by Jhabwala accused himself and from reading in newspapers.

Sd/- R. L. Yorke

17. 11. 30.

Continued on S. A. For Joshi and others. The books marked D 530 and D 572 were also recovered in this search and also documents marked for identification D 570 to D 576 (Note D 575 consists of 91 pages and D 576 of 35 pages).

REXXN. So far as I know none of the accused except Jhabwala was connected with the Bombay Textile Labour Union before the strike. I know that from my inquiries and the files in my office. The meeting on 18th April at Nagu Savai's Wadi was a strikers' meeting presided over by Alwe accused. The strike committee there elected was of 85 members. Over the Bombay Textile Labour Union meeting the same day Girwala presided. Before the proceedings Nimbkar accused with a crowd of strikers arrived and took charge of the whole proceedings. Nimbkar accused then suggested that the Bombay Textile Labour Union should have 2 representatives on the other strike committee already elected that morning. There was a lot of noise and confusion at the end of the meeting, and Jinwala said, yes I agree and went away. That was the end of the meetings. That was what I meant when I said in xxn that Girwala agreed to the names proposed. In the strike committee formed about 27th April the following accused were members: Dange, Mirajkar, Nimbkar, Jhabwala, and Bradley. These 5 accused were among those selected as other than members of the Bombay Textile Labour Union. Jhabwala accused was not at that time Vice President of the Bombay Textile Labour Union. The representation given to each group that the Bombay Textile Labour Union on one hand and the Girni Kamgar Mahamandal etc on the other was 15 each. The 15 for the others included 10 millhands and these 5 accused. I did not mean in cross-examination that these accused were members of those unions that is of the Girni Kamgar Mahamandal and Bombay Mill Workers' Union. My information about Jhabwala was to the effect that he had ceased to be Vice President of the Bombay Textile Labour Union as he started a rival union, the Bombay Mill Workers' Union which was started in March and registered in June. The information was indirect. By Mr. Sinha with permission of Court. My information about all the accused being members or not members of any of the 3 unions named is all indirect. Of the 15 members of the Joint Strike Committee from the Bombay Textile Labour Union similarly 10 were millhands and 5 not. I did not attend the annual meeting of the Bombay Textile Labour



Union which was held at Kurla outside my jurisdiction in June or July 1928. I don't know if any handbill was issued for that Bombay Textile Labour Union meeting.

Read and admitted correct.

Sd/- R. L. Yorke.

18. 11. 30.

The prosecution tenders for cross examination P. W. 148 of the Lower Court search witness of the above G. I. P. Railway Union office search. As no one wishes to cross-examine him, he is discharged.

Sd/- R. L. Yorke.

18. 11. 30

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## P. W. 246

*W. A. Duarte on S. A. No 168 in Lower Court. In English.*

When I gave evidence in the Lower Court I was an employee of the P and O S N Co., I produced in that Court the passenger list Exh P 1496 of the S. S. Razmak leaving Bombay on 10. 4. 25. This is produced from our office records and is compiled from the details in the berthing plan of the ship. It contains among others the name of Mr. Glading.

Exh P. 671 is also produced from our office records and is a list prepared in our London office of passengers per S. S. Razmak which connected at Aden on the outward voyage with another steamer from London and arrived at Bombay on 30. 4. 26. Any original book from which this was prepared must be in London, if it is still in existence.

Exh P. 672 is similarly a list of passengers arriving at Bombay on the S. S. Ranpura which sailed from London on 2nd September 1927. (It contains the name of B. F. Bradley as no. 377.) Similarly with regard to this the original sources would be in London. These are lists which come out with the ship in question and are thence brought to the P and O office in Bombay.

XXN. For Joshi and others. Exh P. 672 is the original list given to our office by the purser of the ship on arrival and not a copy of that list. It does not bear any signature of the purser or the commander of the ship or of anybody in the Bombay office. I did not receive it personally from the Purser.

By other accused. NIL.

REXXN. NIL.,

Read and admitted correct.

Sd/ R. L. Yorke

18. 11. 30

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## P. W. 247

*H. C. Littlewood. Sergeant. No. 164 in Lower Court  
On S. A. In English.*

I am a Sergeant in the Bombay Police Special Branch and am in service since January 1922. I was there in January 1927. I know accused Spratt and identify him in Lower Court. Once in April 1927 at about midnight I saw Spratt accused opposite the Cowasjee Jehangir Hall on the pavement talking to a man whom I took to be a Jew. I watched them for a while, and then they parted. Spratt accused went towards the Young Mens' Christian Association, which is situated about 200 yards away, and the other man walked in the opposite direction. I followed him and he stood in front of Lund and Blockey's Jeweller's shop. I went up to him and asked him what his name was. He told me his name was John, and as that did not satisfy me I told him he had better come with me to the Police station. On the way I asked him his full name and he said John Charles. Ultimately he told me his name was Fazl Elahi. I had a look at the stuff he had on him and found he had a lot of Communist literature. As I was not sure whether he was wanted or not I let him go and reported the incident next morning to the Deputy Commissioner Mr. Jacob. While I was there Mr. Jacob sent for Inspector Desai in Court, and gave him instructions. I think he was in fact arrested later.

XXN. For Joshi and others. I got the original of which Exh P. 1871 from the Mole station post office. It was an ordinary letter and not a registered one. I was given instructions to examine letter for this address. I used to assist the Post Office people in examining the letters of the outgoing mail. It was done under a Government censorship order. I did not see anyone posting this letter. I simply found it in the post. I used to take the letters to the Deputy Commissioner of Police and he used to decide whether they should be withheld, or photographed or copied. The photographer who did these photographs was the police photographer.

I cant say whether similar letters to P. 1868 series addressed to Bombay Chronicle or any other newspaper were intercepted by me, unless I refer to my records.

By Nimbkar accused. I was for some time in the Labour Branch of the Criminal Intelligence Department in 1920, for a few months only. I was not in that branch in any year except 1920. I think Rao Sahib Patwardhan was there after me. There were other officers also but I cant say who was actually doing the work. In 1927 I was Inspector in charge of the De Lisle Road Police station, till October. I dont remember whether I made any inquiry into any strike at the Apollo mill. After that I was on leave till April 1928 After that I was at Dongre till August 1930.

By Alwe accused. I went to De Lisle Road Police Station in June 1925, and was there during the 1925 strike. I used to send men in plain clothes to attend meetings and did not go myself.

By Joglekar. Before June 1925 I was in the Special Branch. I did not attend the All India Trade Union Congress at Damodar Thackersey Hall in March 1925.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

(Sd) R. L. Yorke

18 11-30

# P. W. 249

*Sub Inspector D. N. Mathkar on S. A. No 198 in Lower Court. In English.*

I was in the Bombay Police in Special Branch in May 1928. In the course of my duties on 31-5-28 I intercepted a letter dated 28-5-28 from Muzaffar Ahmad to S. V. Ghate and had a copy of it typed. I compared that copy with the original and found it correct. Exh P 1834 C is the copy I had made and bears my initials.

XXN. For Joshi and others. I myself typed this copy. I cant say why this letter was not photographed.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke.

18-11-30

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Saraswati Machine Printing Press, Meerut (U. P.) INDIA.

In the course of my duties I boarded the S. S. Razmak on arrival in Bombay for passport examination on 30th April 1926. I did examine the passports of the passengers including that of one Mr. D. Campbell. I was on early duty that morning. He was the same man who was tried in the High Court's criminal sessions for forging a passport.

On 23-9-27 the S. S. Ranpura arrived in Bombay and I boarded it for the purpose of examining passports. I can't say whether it was I or some other officer who actually examined passport Exh P. 651 but it has been examined. The blue ink note at foot of Exh P. 672 is H and M Br (anch) with inspector Derojinsky's initial signature. This list is brought by us from the ship and given to him and he sends it to the Hindu and Mohammedan Branch of the Criminal Intelligence Department.

XXN. For Joshi and others. I can't say who actually gave Exh P. 672 to Inspector Derojinsky. I gave evidence in Mr. D. Campbell's case. That was all that I had to do with the trial. I gave back to Fazl Elahi the Communist literature which I found on him, then and there. I don't think I did mention the fact that I found Communist literature on his person in the Lower Court. I had forgotten about it then. I met Fazl Elahi again the following day and after that I did not meet him again. I did not make any inquiry from Spratt accused about Fazl Elahi.

I know a Mr. Sandwell for the last 2 years or so. I never went to his house. I don't think he and Derojinsky are great friends. They are just acquaintances. I received information of the fact of leaving a day or 2 after Bradley left Sandwell's flat. I think I told Inspector Derojinsky about it. The room occupied by Bradley in Sandwell's flat was not ever searched so far as I know.

By Bradley accused. I was on passport duty at the end of July and beginning of August 1928. A Mr. P. Strudwick came to Bombay then. He was detained on board. I did not meet Mr. Sandwell frequently. I met him several times in the Bar of the Apollo hotel. I never met him by appointment. I knew I would find him there. When I wanted to find him it was to make inquiries about Bradley accused. Sandwell did not give me any information of any consequence. I work under Inspector Derojinsky who is a superior officer in my department. It is not ordinarily a part of my duties to intercept letters but I am told off to do it some times. I have sometimes intercepted letters, including letters of Bradley accused's. I remember intercepting from the General Post Office Bombay some letters which were posted for the outgoing mail despatched at the beginning of December that is the Christmas mail. I got those letters from the Government Post Office. I took them

# P. W. 249

*Sub Inspector D. N. Mathkar on S. A. No 198 in Lower Court. In English.*

I was in the Bombay Police in Special Branch in May 1928. In the course of my duties on 31-5-28 I intercepted a letter dated 28-5-28 from Muzaffar Ahmad to S. V. Ghate and had a copy of it typed. I compared that copy with the original and found it correct. Exh P 1834 C is the copy I had made and bears my initials.

XXN. For Joshi and others. I myself typed this copy. I cant say why this letter was not photographed.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke.

18-11-30

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Saraswati Machine Printing Press, Meerut (U. P.) INDIA.

In the course of my duties I boarded the S. S. Razmak on arrival in Bombay for passport examination on 30th April 1926. I did examine the passports of the passengers including that of one Mr. D. Campbell. I was on early duty that morning. He was the same man who was tried in the High Court's criminal sessions for forging a passport.

On 23-9-27 the S. S. Ranpura arrived in Bombay and I boarded it for the purpose of examining passports. I can't say whether it was I or some other officer who actually examined passport Exh P. 651 but it has been examined. The blue ink note at foot of Exh P. 672 is H and M Br (anch) with inspector Derojinsky's initial signature. This list is brought by us from the ship and given to him and he sends it to the Hindu and Mohammedan Branch of the Criminal Intelligence Department.

XXN. For Joshi and others. I can't say who actually gave Exh P. 672 to Inspector Derojinsky. I gave evidence in Mr. D. Campbell's case. That was all that I had to do with the trial. I gave back to Fazl Elahi the Communist literature which I found on him, then and there. I don't think I did mention the fact that I found Communist literature on his person in the Lower Court. I had forgotten about it then. I met Fazl Elahi again the following day and after that I did not meet him again. I did not make any inquiry from Spratt accused about Fazl Elahi.

I know a Mr. Sandwell for the last 2 years or so. I never went to his house. I don't think he and Derojinsky are great friends. They are just acquaintances. I received information of the fact of leaving a day or 2 after Bradley left Sandwell's flat. I think I told Inspector Derojinsky about it. The room occupied by Bradley in Sandwell's flat was not ever searched so far as I know.

By Bradley accused. I was on passport duty at the end of July and beginning of August 1928. A Mr. P. Strudwick came to Bombay then. He was detained on board. I did not meet Mr. Sandwell frequently. I met him several times in the Bar of the Apollo hotel. I never met him by appointment. I knew I would find him there. When I wanted to find him it was to make inquiries about Bradley accused. Sandwell did not give me any information of any consequence. I work under Inspector Derojinsky who is a superior officer in my department. It is not ordinarily a part of my duties to intercept letters but I am told off to do it some times. I have sometimes intercepted letters, including letters of Bradley accused's. I remember intercepting from the General Post Office Bombay some letters which were posted for the outgoing mail despatched at the beginning of December that is the Christmas mail. I got those letters from the Government Post Office. I took them

myself from the box inside the Post office. It is usual for Police officers to go into the Post Office to take letters provided the letters are under a censoring order. I went to Mr. Sandwell for any information he had to give and not for any specific information.

By other accused. NIL.

By Court with permission by prosecution. I believe I did tell Inspector Desai what had happened that night about Fazl Elahi.

Read and admitted correct.

(Sd.) R. L. Yorke

18-11-30

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## P. W. 248

*Inspector D. W. Karnik on S. A. No. 202 in Lower Court.  
In English.*

I am Inspector of Police in Bombay and have some 17 years service. In the course of my duties I have had to intercept letters. I intercepted the following letters.

On 21-11-24 I intercepted the letter Exh P. 1868 and E dated 6-11-24 purporting to be from one M. N. Roy to the Editor of the Socialist with the enclosure Exh P. 1868 (1). This letter was withheld.

On 13-12-24 I intercepted a letter addressed to K. N. Joglekar sent by Author Field, Bettersea, London and dated 27-11-24. I had a copy made of that letter and compared the copy with the original. Exh P. 1869 C is that copy. The original was reposted.

On 9-1-25 I intercepted a letter sent by one Marjorie E Boewer to K.N. Joglekar dated 22-12-24 and had a copy made of it. I compared the copy Exh P. 1870 C with the original and found it correct. The original was then reported.

On 31-1-25 I intercepted a letter purporting to be from one R. Cochrane Bombay to M. Hasfield, Librarie de Travail, 96 Quai de Jemappes, Paris, 10 France, and dated 31-1-25. I had this letter and envelope photographed and Exh P. 1871 P and PE are the photographs. I reposted the original.



*Inspector Dost Mohammad on S. A. No. 199 in Lower Court  
In English.*

In the course of my duties as Inspector of Police I have intercepted letters.

On 29-11-25 I intercepted letter addressed to V. S. Pawar, Shilotri Bank, Girgaon Branch dated 26-11-26. I made a copy of the letter and submitted it to Deputy Commissioner of Police for orders. Under his orders I got the enclosure photographed. The covering letter was not photographed, nor were the draft resolutions attached to the enclosure. I first of all made typed copies of the whole and Exh P. 1835 C is a true copy of the whole. Thereafter on the Deputy Commissioner's instructions I got the enclosed letter photographed and Exh P 1835 P is the photograph of that letter ( from D to J ). The original was reposted. I intercepted this because we had information that V.S. Pawar was cover address for S. V. Ghate.

On 6-2-26 I intercepted a letter from Muzaffar Ahmad to Joglekar dated 3-2-26. It was photographed and Exh P. 1836 P & PE is the photograph of letter and envelope. The original was reposted.

On 6-3-26 I intercepted a letter from Muzaffar Ahmad to V.H. Joshi dated 3-2-26, a registered letter. The letter was photographed and Exh P. 1837 P & PE are photographs of the letter and envelope. The original was reposted.

On 16-4-27 I intercepted a packet containing books from London addressed to S. S. Mirajkar. Exh P. 1838 is my report showing the contents of packets. These were detained under the Deputy Commissioner's orders.

On the same day I intercepted another packet to the same address. Exh P. 1839 is my report showing the contents. The packet was detained as they were books proscribed by Government.

On 23-4-27 I intercepted another packet addressed to Mirajkar accused as stated in my report Exh P. 1840. These were also detained.

On 15-1-27 I intercepted a letter from S. Saklatwala to S. Y. Ghate dated 10-1-27 and posted on S. S. Razmak. A correct copy was made of the letter by me and Exh P. 1841C is that copy. The original was reposted.

On 5-4-26 I intercepted a letter dated 2-4-25 from Muzaffar Ahmad to K. N. Joglekar. I took a copy of it and reposted the original. Exh P. 1842 C is the copy I made and is correct.

On 31-7-25 I intercepted a letter dated 29-6-25 from Arthur Field to K. N. Joglekar. I made a copy of it and reposted the original. Exh P. 1843 C is the copy I made and is correct.

On 3-1-27 I intercepted a letter dated 1-1-27 from Muzaffar to K. N. Joglekar. It was written on the typed form of all-India Communist Conference, 2nd Session Lahore 1927. I made a copy of it and reposted the original. Exh P. 1844 C is the copy I made and is correct.

Sd. R. L. Yorke

18-11-30

Continued on S. A. XXN: For Joshi and others. The original of Exh P. 1835 was photographed the same day as it was censored and reposted immediately. Copies of the letter and enclosures were put forward Mr. Jacob and then he gave orders to photograph enclosure no. 1 only. I cant say if other letters addressed to V. S. Pawar have been intercepted. I received this letter from the Postmaster Girgaon. I returned it to him. It was brought to me through my special constable who also took it back. I cant say if he brought one or more letters that day. I took the name of the addressee from the cover but no photograph of the cover was made I have no one to assist me in examining letters so brought to me. In my note at foot of page 1 of Exh P. 1835 the use of the word letter does not mean that the writing beginning Dear M stood by itself. By letter I meant the cover and its contents. I reposted the original without showing the photograph to the Deputy Commissioner. The original of P. 1835 was in a closed envelope and in a wrapper.

The packets referred to in Exhs P. 1838 to P. 1840 were sent to us by the Postoffice because the addressee's letters were under a censorship order. If a packet contains one proscribed book the whole packet is detained. None of the books found in these packets was returned to the addressee. I would have known if they had been returned. There was nothing on the packets to show who sent them. The reason I wrote the heading of Exh P. 1844 C in long-hand was that I wrote the contents of the letter in the usual place and there was no place in this form to type the heading. There was no particular reason why I should not have written the heading in the column for substance. The form on which P. 1844 C is written is a stock cyclostyled form Exh P. 1844 C is not a copy of a copy but the original copy I made.

By Nimbkar accused. I was not in charge of Labour Branch in Criminal Intelligence Department at any time prior to 1930 except that possibly I may have acted for a month or so for Rao Sahib Patwardhan.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

19-11-30

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## P. W. 251

*Mr. George Clarke on S. A. New witness. In English.*

In February 1930 I was an Inspector of Customs in Bombay. I have now retired. The document shown to me marked P. 2512 was found by me in February of this year. The S. S. Trifels a German ship was due to sail on 4th February this year. The firemen crew were Punjabis. I had suspicion that they would export Charas. It is part of my duty to prevent such export. I therefore took a staff of men on board the ship and searched the engineroom and firemen's quarters. Nothing was found there. While the search was proceeding my men on guard on the quay drew my attention to 3 men moving about the wharf and the shed, number 14 Alexandra docks. I went up to these 3 men and stopped them. I asked one man who had a parcel in his hand what it contained and at same time told them that I suspected them of bringing charas, and that I wished to search them. For this purpose I took them into the shed, where the medical examination of the crew of the Trifels was taking place. I opened the parcel there and found in it a pair of chappals (slippers). I searched the person of one V.H. Joshi the man who had been carrying the parcel. In the inner pocket of his coat he had a black leather wallet which appeared bulky. On opening it instead of charas I found inside it this writing P. 2512 and Rs. 200 in notes, and Rs. 5 in change. At the time of the search I called up the Assistant Port Health Officer Mr. Anklesaria and a Mr. Shaikh of the Port Trust staff. I asked them to witness the

search. I prepared a panchnama of the search stating the circumstances and what was found. I signed this panchnama as did the 2 witnesses. It is a correct record of the search. (Marked Exh P. 2512 A ). The other 2 men gave their names as Amir Haidar S/O Athar Mohd Khan, and Manindra Nath Misra S/O Harendra Nath Misra. Nothing was found on them. I did not know any of these 3 men before. I would know Joshi and Amir Haidar again if I saw them. Exh P. 1079 appears to me to be a photograph of the man Amir Haidar Khan but he had sidelocks coming down a little lower than in the photograph. After the search these people were not detained and the money was also given back to V. H. Joshi. I handed this document to the Assistant Collector in charge of our department and he ordered it to be handed over to the police. Neither I nor the witnesses put any signature on the document.

XXN. Reserved for tomorrow.

Sd. R. L. Yorke

1911-30

Continued on S. A. XXN. For Joshi and others. I searched those men under the Sea Customs Act, Section 19. That section does not require me to prepare a panchnama, or searchlist. I was not asked by anybody to prepare one. I have prepared a large number of panchnams in the course of my duties. I have never taken on the panchnama the signature of the person searched. I always make my searches in the presence of witnesses. There were several police officers on the wharf, sergeants and the like, at the time of this search. One Mr. Marshall was there; he is in the Sanitary police, I dont remember if any officer of the Criminal Intelligence Department was there. I made no reference to a police officer. I have the power to arrest anyone in possession of charas or any other prohibited drug or firearms in the docks. I have the power to detain a man in possession of objectionable literature and place him before the Collector of Customs. I have not come across any similar case of objectionable literature except on Import. I did not detain the man in this case and take him before the Collector of Customs. I reported this matter to the Assistant Collector immediately I got back to the office. The 3 men examined on this occasion were in my presence for about half an hour. Every Customs officer is empowered to prevent the export of objectionable or prohibited articles. I dont know if there is any police officer whose duty is to prevent the export of objectionable literature. All 3 men were searched but as Joshi was the only man who had anything most of the time was devoted to the search of his person. After I had made my report no inquiry was made from me by the C. I. D. or by my police

XXN. Reserved for tomorrow.

Sd. R. L. Yorke

19-11-30

XXN For Joshi and others. I was called in when the search was just to begin. I stayed there till the search was over. I then signed the panchnama and then went up to my office. I did not speak to any of the 3 men who were searched. I dont recollect that the other 2 men, other than the man on whom the document was found, said anything while I was there. By Court. So far as I remember that man did not say anything either.

By other accused. Nil

REXXN Those men did not speak to me but they gave their names to Mr. Clarke.

Read and admitted correct

Sd. R. L. Yorke

20-11-30

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## P. W. 253

*Sub Inspector B R.S. Kothare. On SA.No 200 in Lower Court In English*

I am now Deputy Inspector of Police Special Branch Bombay. I have 10 years service in the Police. In the course of my duties I intercepted certain letters.

On 13. 4. 28 I intercepted a letter dated 29. 3. 28. from C.P. Dutt to Dange, with an enclosure Exh P. 1845, (1), (2) and E. The typed enclosure is a typed copy of the manuscript enclosure. It was put up for orders and detained.

On 25 -2 -27 I similarly intercepted a letter dated 22 -2 -27 from Muzaffar Ahmad to K.N. Joglekar, Exh P. 1846 and E. It was put up for orders and detained.

On 7 -4 -27 I intercepted a letter dated 4 -4 -27 from Muzaffar Ahmad to Ghate; Exh P. 1847 C is the copy of that letter

which I made. It is correct. The original was passed on for delivery.

On 25. 2. 28 I intercepted another letter from Muzaffar Ahmad to Ghate dated 21. 2. 28. I typed a copy of it and Exh P 1848 C is that copy which is correct. The original letter was passed on for delivery.

On 8. 11. 28 I intercepted a letter from Muzaffar Ahmad to Ghate dated 4. 11. 28 I typed a copy and put it up for orders of the Deputy Commissioner. It was under his orders photographed in my presence and passed on for delivery. Exh P. 1849 P and PE are the photos of the letter and envelope.

On 19. 2. 29 I intercepted a letter dated 16. 2. 29 from Muzaffar Ahmad to Ghate. It was also photographed under the orders of the Deputy Commissioner. Exhs P 1850 P and PE are the photos of that letter which was passed on for delivery.

On 24. 8. 28 I intercepted a letter dated 23. 8. 28 from D. R. Thengdi Poona City to Ghate. Under the orders of the Deputy Commissioner this was photographed and reposted. Exh P. 1851 P and PE are the photos of that letter.

On 8. 2. 29 I intercepted a letter dated probably incorrectly 23. 1. 28. from International Secretariat of League Against Imperialism to Jawahar Lal Nehru enclosing Draft Statutes of the League. This letter and envelope were photographed and Exhs P 1852 P and PE are the photographs taken. I made a typed copy of the original enclosure which is correct Exh P 1852 (1) C. The original letters and enclosures were reposted.

On 7. 4. 27 I intercepted a letter dated 6. 4. 27 from Thomas Cook and Sons to K. N. Joglekar. I made a correct typed copy of it Exh P. 1853 C and passed the letter on for delivery.

On 30. 1. 29. I intercepted a letter undated from P. C. Joshi to Ghate. Enclosed in it was a letter for Comrade Shah from Joshi. The whole was photographed and passed on for delivery. (Original letter to Ghate found but not letter to Shah. This copy is also required for fixing date of letter to Ghate.) Exhs P. 1854 P, PE and P (1).

ON 16. 8. 28 I intercepted three identical.....3 circular letters dated 11. 8. 28 from the Workers and Peasants Party Calcutta addressed one to Ghate and the other 2 to Dange. The cover addressed to Dange with contents was detained. The others were reposted. Exh P. 1855 is the detained original and P. 1855E its envelope.

officer at Bombay. My report to the Assistant Collector was oral and I handed in the panchama. Up to the date I received summons from this court no inquiry was made from me about the other 2 men or about Joshi. I received summons about a month ago. Those 3 men went right away from that shed after the search was over and went in the direction of no. 16 shed I took no statement from Joshi when I took possession of the document P. 2512. The Trifels sailed about 1 p. m. that day. She went out direct from that shed, no. 14. Lots of people visit the docks when a ship is sailing or arriving, as sightseer. Baggage of crew is always examined on import but not always on export. On discharge the crew are required to come with their baggage to the customs gate, that is, exit of the docks. There their baggage is always examined but their persons are not always searched. In My experience the firemen crews are all Mohammedans. The reason I would not recognise the 3rd man was that there was nothing particular about him, that is about his features. I did not read through the whole of that document at the time but only glanced through some pages. It was not in a cover but just as it is now. I took the address only of Joshi on whom the document was found. I wrote it in the panchnama. After that occasion I made no inquiries of Mr. V. H. Joshi.

By Nimbkar accused. The S. S. Trifels was a cargo boat. It carried no passengers on that occasion. I cant say if it was due to sail prior to the 4th February. So far as I know those 3 men were not part of the crew of the Trifels. Had they been members of the crew they would have come under the medical examination and as they did not come under it I did not think of inquiring. I have 36 years experience of searching persons coming into and going out of the Docks. Charas may be hidden in many places on ship, the engine room, the stories, the cargo, the crew's bunks, the tanks, and many other places. It is not usually kept openly. It is usually carried on board on the person and may therefore be found in a wallet. Charas has been taken on board in wallets or moneybags before now. Mr Joshi was wearing shoes, socks, pants, a coat and a cap like a Gandhi cap. It is not the practice to search anyone and everyone who comes on the wharf. Mr Joshi appeared to me to be an ordinary respectable person. The help of the police is easily available for me in the Dock if I want it. I have never asked for police assistance. On Import we have seized such documents as this letter and we thought this letter might be interesting to the Police so we sent it on to them. The person who decides whether such documents are objectionable is the Assistant Collector. The document contained several words which appeared to be objectionable so I considered the document to be objectionable.

I did not call the police because there was no necessity to do so. I finished the search before the Trifels sailed; I finished it about 12. 30. I have never visited the C. I. D. office in connection with this document. Mr Anklesaria's office is in new Customs House, Ballard Road, some 500 yards from shed no 14. Mr Sheikh's office was in that shed. Mr Anklesaira signed the panchnama in the shed and not in his office. I wrote the panchnama with my pen. I could not say with what pen Mr. Anklesaria signed. It is not a fact that this panchnama was prepared afterwards and not on the spot. It was prepared on the spot. The chappals found in Joshi's parcel had been worn. Mr Joshi appeared to me to be a Brahman and there are very many Brahmans of the same type in Bombay. It is not a fact that the names of the other 2 men were added afterwards. They were written in their presence in the shed. Smugglers use different methods of getting charas on board ship, some use ingenious methods such as packing it in shoes and some use bold methods and take it on the person, in handbags and the like.

By other accused NIL.

REXXN Another reason I had for examining Joshi was that I had been told that Joshi had been seen moving about near the ship earlier in the day. That and the fact that he was still there when I saw him carrying a parcel were my reasons for searching him carefully. Mr Anklesaria was a witness because he was in the shed at the time.

Read and admitted correct.

Sd R. L. Yorke

20. 11. 30.

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## P. W. 252

*Mr. A. M. Sheikh on S. A. New witness. In English.*

I am Assistant Manager of Docks in Bombay and in February last was in C section Alexandra docks. On 4. 2. 30 I was present at the search of a person from whom the paper marked P. 2512 was recovered. I was called up as a witness by Mr. Clarke who prepared the panchnama Exh P. 2512 A. What is stated therein is correct.



On 23. 11. 28. I intercepted a letter dated 6. 11. 28 from Mum to B. F. Bradley. The letter was photographed and passed on and Exh P 1856 P is the photo of the letter and envelope.

On 16. 11. 28. I intercepted a letter dated 1. 11. 28. from Len to B. F. Bradley. It was photographed and passed on for delivery and Exh P. 1857 P & PE are the photos of that letter.

On 5. 1. 29 I intercepted a letter dated 18. 12. 28. from Mum to B. F. Bradley. As I was busy at the time the letter was copied by Inspector Desai. I verified the copy Exh P. 1858 c, which is correct. The letter was passed on for delivery.

On 11. 2. 27. I intercepted a letter dated 25. 2. 27 from Douglas to P. Spratt. Exh P. 1859 and E is that letter and its envelope. On opening the letter I found something written between the lines with some light yellow fluid. As I thought it to be an important letter I immediately handed it over to Inspector Desai. He took it personally to the Deputy Commissioner of Police Mr. Jacob. The smudges now present were not there when I opened the letter.

On 7. 9. 28 I intercepted a letter dated 23. 8. 28. from J. E. Potter Wilson to B. F. Bradley. Under the orders of the Deputy Commissioner of Police it was photographed and passed on for delivery. Exh P 1860 P & PE are the photos of this letter and its cover.

On 8. 9. 28. I intercepted a letter dated same date from Bradley to J. E. Potter Wilson. It was photographed and passed on for delivery. Exhs P 1861 P and PE are the photos of that letter and its envelope.

On 25. 2. 28. I intercepted a letter of same date from Ben to Mrs. Bradley. It was photographed under orders and Exhs P 1862 is the photo of that letter. It was then reposted.

On 23. 12. 27. I intercepted a letter dated 18. 12. 27. from P Spratt to S. A. Dange. This letter was photographed under orders and passed on for delivery. Exh P 1863 P is the photo of that letter.

On 24. 2. 28. I intercepted a letter without date from All India Trade Union Congress to S. A. Dange. It was copied and passed on for delivery. Exh P 1864 C is a correct copy of that letter.

On 8-9-28. I intercepted a letter of same date from Muzaffar Ahmad to Agnes Smedley with an enclosure in Bengali. Under the orders of the Deputy Commissioner the whole was withheld.

Exh P 1865, and (1) and E are the letter and its enclosure and envelope.

On 12-10-28 I intercepted a letter dated 18. 9. 28 from V. Chattopadhaya to S H. Jhabwala, which was photographed under the Deputy Commissioner's orders and passed for delivery. Exh P 1866 P is the photo of that letter and its envelope.

On 21. 2. 29 I attended a meeting held in Bombay at Peoples Jinnah Hall to commemorate Lenin. Mr. Mankar shorthand reporter was also there. So was Inspector Desai. Shaukat Usmani accused presided and other accused were present Adhikari, Joglekar, Nimbkar, Bradley, Dange. I have seen Mankar's transcription Exh P 1690 which came to our office shortly after the meeting. I saw it then and found it to be correct.

On 16. 3. 28. I boarded the S. S. Razmak on account of information with a view to finding one Abdul Hamid. I found him on the ship. He had been brought back as a distressed British seaman. A clerk from the shipping Master's office came to the ship and took him and 2 other similar seamen to the Shipping office. I accompanied them and after some time Inspector Desai came there and I went away. Some time afterwards, after he came out of jail; he came to our office when Inspector Desai and D. I. Chaudhri were also there and complained of being watched. I identify him in Court (pointing to Ajudhia Pd. accused.)

I have seen Exhs P 1480 to P 1485 Marathi letters before in our office. They were given to me there by Mr. Chaudhri to translate. Mr. Chaudhri told me he had got them from the Customs from the search of Dr. Adhikari. I translated them and my translation is attached. (Translations marked Exhs P 1480 T (1) etc.)

All the photographs to which I have deposed were taken in my presence.

XXN. For Joshi and others. These letters were intercepted from various postoffices in Bombay. There are a number of police officers authorised to receive letters for censorship from different post-offices. They are brought from the post-offices by our men, Police Constables and Head Constables. The intercepting officers do not themselves go to the Police officers. There were one or 2 other officers doing the same work as me at that time. Either we sorted them out ourselves or sometimes Inspector Desai did so and distributed them. Not all letters are copied but only important ones. Whenever Inspector Desai was there he used to open them, read them and distribute them for copying. When he was not there

the discretion to copy or not to copy was exercised by the officer examining the letter. We all worked in the same room. We used to put up all letters copied to the Deputy Commissioner for orders. Letters not copied were not submitted for orders. I cant say which of the letters to which I have deposed were given to me by Inspector Desai. A certain number were. Letters to be photographed came back to our office first. We have got only one photographer who has a studio in the compound of the Deputy Commissioner Police's office. The same man has been working since many years, a Mr. Naoroji. The other officers working with me are Sub Inspector Ketkar, Sub Inspector Chawan, D. I. Chaudhri. No system is in force of signing the photographs of letters intercepted. Such photographs are not signed by any one, either police officer or photographer. The photographs are kept in our office along with the typed copies. 3 or 4 copies (prints) are taken of each photograph. Letters intercepted are kept in the record room.

I dont remember what the words were which I saw written between the lines in Exh P. 1859, nor how many lines of interlining there were. All letters submitted to the Deputy Commissioner are submitted through Inspector Desai who is the head of the Department.

What I have said about the Lenin Day meeting I have said from memory. I took down notes at that meeting but I dont recall whether I submitted a report or whether Inspector Desai did.

I boarded the Razmak as soon as it tied up. Abdul Hamid was not taken to the Customs Office on the way to the Shipping Office. He and the other 2 seamen did not take any baggage with them to the Shipping Office. I did not see them searched by anyone, anywhere.

Accused Desai belongs to the same caste as me. I know his father, but not to talk to. He has property, a house in Bombay and a bungalow in Sauta Cruz. The family is a Joint Hindu family.

By Nimbkar accused. I cant now remember the main points in the speeches delivered in the Lenin Day meeting. I never saw Mankar's report after I saw it in our office till I saw it in Court. I did not read it all today. I dont remember the account just given to me in the question of how Nimbkar accused began his speech. Today I am not in a position to say that Mankar's transcription is correct unless I go through it. I did not act for Inspector Desai in January 1928. I attended some meetings held under the auspices of the Bombay Provincial Congress Committee in January 1928 in regard to the Simon Commission boycott.

They began about a fortnight before the Hartal, and were organised in different words. The propaganda was carried on by the propaganda sub committee of the Bombay Provincial Congress Committee. I saw the handbill D. 496 in those days but cant say by whom it was distributed. It was brought to me by one of our men. In those meetings generally member of the Bombay Provincial Congress Committee spoke. Practically in all of them Nimbkar, Joglekar and Jhabwala accused and Mr. Ginwala and Jehangir Patel spoke and Spratt accused sometimes. Other Congress leaders also used to speak. The programme for 3rd February was prepared by the Bombay Provincial Congress Committee. I know it through the circulars and the various meetings. I was present at a meeting at Congress House in October 1928 to protest against the Trades Disputes Bill and the public Safety Bill. It was under the auspices of the Bombay Provincial Congress Committee. I believe resolutions protesting against these bills were passed at the meeting.

I was in the Hall of Bombay Corporation at the meeting when Dr. Chokse's resolution were discussed. It was about a holiday for municipal workers on Mayday. The resolution was thrown out.

By Ajudhia Pd. accused. When I followed the Shipping Master's clerk with the 3 seamen we went through the Landing shed and past the Customs Officer sitting at the gate. All passengers pass through that gate. The Customs officer there examines the baggage and not necessarily the persons Ajudhia Pd and other men did not bring any baggage from the ship, I am sure. I am known to the policemen so no one asks me for a pass to go on a ship. The clerk of the Shipping Master passed these men ashore. I followed Ajudhia Pd to see that he did not escape. I was sent by Inspector Desai to see if Ajudhia Pd. had come on the ship and to keep an eye on him till he, Desai, arrived. I telephoned to Mr. Desai from the Shipping Office. I had 2 police constables with me, also sent by Mr. Desai. At the outer or green gate of the Ballard Pier there is a Customs officer but he also only searches baggage. I left the ship about 6.30 or 7 a.m. We had to wait outside the Shipping office which was not open.

By other accused. Nil.

REXXN. Mr. Desai and I and the other officers all sit in the same office. The Jehangir Patel was J.B. Patel, Vice president of the Bombay Provincial Congress Committee, a barrister.

Read and admitted correct.

Sd. R. L. Yorke

21. 11. 30.

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Saraswati Machine Printing, Press, Meerut U.P. (INDIA)

*R. B. N. V. Trivedi. On S. A. No. 179 in Lower Court.  
In English.*

I am now Superintendent of Police Bombay Presidency Criminal Intelligence Department. In December 1923 I was in the Government of India Intelligence Bureau working in Bombay. In that month I attended the All India Workers and Peasants Party Conference at Calcutta on the 21st to 24th December. I attended the 1st 3 days at the Albert Hall.

Exh P. 669 shown to me has been read by me before. It is substantially correct except for one or 2 points. On page 3 in the last para the amendment moved by Bhagwati Charan it is wrongly stated that 'it proposes to pay the foreign state debts'. His amendment repudiated that proposal. I did not myself hear the fraternal message from the Executive Committee of the Communist International which appears on page 5.

At that conference I myself made out a list of the prominent persons present. Among them were accused Spratt, Muzaffar Ahmad, Shamsulhuda. Dharni Goswami, Gopal Basak, Radha Raman Mitra, Kishori Lal Ghosh, Gopen Chakravarty, Sohan Singh Josh, Joglekar, Nimbkar, Thengde, Mirajkar, and Ghate, Kadam, Gauri Shankar, Shib Nath Banarjee, Joshi. (Banerjee present throughout but Witness identified Chakravarty as Banerjee. He correctly indentified Muzaffar Ahmad, Huda, Goswami, Bazak, Mitra, Ghosh, Josh, Joglekar, Nimbkar, Kadam, Joshi, Gauri Shankar and Ghate, Spratt, Thengde & Mirajkar were absent). Some of them I knew before, some were pointed out to me. Some were introduced at the time of making speeches, like Bradley who moved a resolution. That is he in Court. One Mr. Ryan an outsider was there representing Pan Pacific Trade Union Secretariat. I had seen him at the Jharla Conference where he was introduced as such. The men I knew before were the Bombay people. Exh P. 461 is a photograph of the Mr. Ryan whom I saw I think.

S. S. Josh accused made the Presidential speech. In the Conference I obtained printed copy of the Presidential address like the one contained in Exh P 2211 from Shamsulhuda accused. The speech was read out by Josh accused in Urdu. I followed the Urdu. This English translation tallies with what I heard him say. Copies of certain yellow pamphlets identical with those in P 1211 were also distributed and I got copies (Trade Union Movement Thesis, Political Resolution, and Principles and Policy). I also got a copy of a leaflet identical with Exh P 546 (2)

I remained in Calcutta during the session of the Indian National Congress. It was I think on 26th December that a workers procession numbering 5000 or 6000 came to the Congress and took possession of the Pandal. I was at the Congress Pandal at the time. The workers wanted to come in and make a demonstration and hold a meeting and the Congress people were objecting. They got in and were there some time and then refused to leave. The Congress people had to give in and some of the leaders of the procession got up and addressed the workers and Pt. Moti Lal Nehru also addressed them. After that the workers were persuaded to leave. In consequence of the Congress was delayed by several hours.

I entered the All India Workers and Peasants Party Conference by a ticket which I obtained at the Albert Hall. My ticket was collected by Basak accused. I attended the All India Trade Union Conference at Jheria on 18th to 20th December 1928. Of the accused I saw Spratt, Bradley, Thengde, Ghate, Joglekar, Muzaffar Ahmad, Shamsulhuda, Chakravarty, Ghosh, and Mittra at that conference. At that conference I also saw Ryan for the Pan Pacific Trade Union Secretariat and one Johnstone for the League Against Imperialism. Both spoke urging affiliation of the Trade Union Conference to their organisations. Office bearers were elected. Jawahar Lal Nehru was elected President for the next year after a contest with D. B. Kulkarni a member of the Workers and Peasants Party Bombay.

XXN For Joshi and others.

(Sd.) R. L. Yorke,

21-11-30

XXN. On S. A. (Note: Cross-examination had to be postponed as the witness had to go away on important business). I have been in Poona since June 1930. I never worked in Poona before that. I have never worked in Bombay City Police or in Special Branch Bombay. The whole of my evidence has been given from memory apart from the list of persons present at the All India Workers and Peasants Party Conference given by me. The typed list from which I refreshed my memory was prepared by me soon after the meetings were over, from memory and also from notes taken by me. After preparing my report I destroyed my notes. Those rough notes contained other facts relating to the proceedings of the Conference, that is connected with the Conference. The list was submitted along with my report. I don't know what has become of my report. Presumably it is in the office. I was transferred from the Intelligence Branch soon after that. I have had nothing to do with that report since then. My

assistant in Intelligence Branch and another officer of Intelligence Branch were also present at the Conference. 2 tickets I think I purchased and the 3rd officer got his own. The officers with me also took down their notes. My assistant was Mr. Kowthalkar. The other officer was Mr. Mukerjee. There were also members of the Bengal Provincial police present whose names I dont know. I think, there were also reporters present. This list from which I refreshed my memory contains the names of more than 60 persons. I knew some 27 or 28 of them from before. I knew the Bombay accused before. In the Lower Court also I refreshed my memory from this list. Mostly I knew the initials before. In my list I gave a name B. G. Kasle. I did not know him as B. G. Kasle from before. I knew him as Kasle. I asked some people and was told the initials like that. In the case of those whose initials I did not know, I might have asked my Assistant or some one sitting near me. I wrote the name of Atul Chandra Gupta and the information that he was President Bengal Workers and Peasants Party from inquiry at the meeting. I could not identify him now. I probably could identify Mr. P. Dinda mentioned in the list as Chairman of the Reception Committee. He made a speech of which I got a printed copy. I sent it in with my report. I have not seen any of the persons in this list since I left Calcutta after that Conference. I have not had an opportunity. I cant remember ever having seen the boy sitting on the ground in photo Exh P 459. I dont remember whether I saw him at that Conference. It is possible I might have seen him and forgotten him. I attended the Conference on 3 days for most of the time. I dont remember whether any boy of that apparent age taking part in the deliberations. I identified I think in the Lower Court all the Bombay accused whom I had seen in the Conference. In the Lower Court I mentioned that Kasle accused was present at the Conference. I also identified him. I knew that he was an accused from Bombay. In the Conference Kasle was pointed out to me: he was sitting with his back to me and looked like Kasle. I dont even now know Kasle accused's initials. The only Kasle in my list is mentioned as B. G. Kasle. Since I gave evidence in the Lower Court I have had no opportunity of meeting these accused. All those I know today I knew when I came to give evidence in the Lower Court. I had full opportunity to see the accused when I was giving evidence in the Lower Court, in order to identify them. In the Lower Court I identified Gauri Shankar, Ghosh and Shamsulhuda. I heard my evidence read out there, and signed it finding it to be correct. I no doubt in the Lower Court in giving the names of persons present in the Jheria Conference gave one name as Bose or Ghosh. I was referring to accused K. L. Ghosh. (Shamsulhuda accused was absent on date of this witness's evidence in Lower Court of Lower Court's record.)

I left Calcutta about the 1st week of January 1929. I may have seen newspaper reports of the Workers & Peasants Party Conference. It was not part of my duty to collect newspaper cuttings of meetings like this but we sometimes do it. I dont remember having submitted any newspaper reports along with my report of this Conference. I sent my report direct to Director Intelligence Bureau by post; from day today we usually send but I cant say if I did so in this case as they were busy days. After this Conference I attended many other Conferences in Calcutta. In the case of those also I prepared a list of important people attending them. I dont know Mr. Piari Das in my list at Workers and Peasants Party Conference personally. I included him in the list of important persons at my own instance on the information collected at the Conference. I dont now recall any of the reasons why he was regarded as important. The same answers apply to Phanindra Nath Ghose.

During the week I was at Calcutta. I received a large number of pamphlets and leaflets and advertisements. Many such were being distributed in the compound of the Indian National Congress. I dont recall whether I received advertisements of books there.

I was in the compound of the Indian National Congress when I first saw the Labour procession to which I have deposed. I cant say if I had been inside the Pandal on that day before I saw it. I did not go into the Pandal along with that procession. I attended all the days of the Indian National Congress. I have also attended other sessions of the Indian National Congress. Sometimes the time of meeting of the Congress is changed but then it is declared to the public somehow or other. I submitted a report of this occurrence, that is the Labour procession. K. C. Mitra was connected with this procession and I may have mentioned his name in my report as one of the persons concerned with it. I entered the Congress Pandal perhaps half an hour or more after the processionists entered it. I dont remember whether I saw any announcement of the procession in any handbill or newspaper beforehand.

At the All India Trade Union Conference Jheria I attended only the open session and not the meetings of the Executive Committee. The names I gave of persons present there were given from memory. I think Muzaffar Ahmad accused was present there. I am confident he was there. I dont remember any particular thing done by Muzaffar Ahmad. If I remember right he was there only for a short time and on the 1st day. I cant be sure now whether it was the 1st or 2nd day.

By Nimbkar accused. I cant now remember on which days Nimbkar accused was present at the Workers and Peasants Party



Conference. I can say definitely that he was present in Calcutta up to the end of the Conference and in fact up to the end of the Indian National Congress sessions. I first saw him at the Workers and Peasants Party Conference. I cant now be definite on what day I saw him at the Workers and Peasants Party Conference.

I attended the Indian National Congress sessions at Gauhati in 1926. In that session Nimbkar accused made a speech opposing a Resolution about the Khaddar franchise. I dont know if it was the only speech he made. I recall that Joglekar accused made a speech there but I cant remember on what subject. I also attended the All Parties Conference in Calcutta. I was not present at the discussion on private property there. I think Srinevasa Iyengar read a statement on behalf of the Independence League of India but I was not present to hear it. He was an office-bearer of the League. He is an Ex. President of the Congress and Ex-Advocate-General of Madras. I am not sure if I was present when Mr. Daud as President of the All India Trade Union Conference read a statement on behalf of it.

I attended some of the meetings of the Subjects Committee of the Indian National Congress at Calcutta. I was present part of the time when the main resolution of the year was discussed in that Committee. I think I was present when Pt. Jawahar Lal Nehru moved his amendment. It was somewhat of the same substance as that moved by S. C. Bose in the open session and reported at page 110 of D. 163.

By Joglekar accused. I remember that the Indian National Congress at one Congress voted for affiliation to the League Against Imperialism and elected Jawahar Lal Nehru as representative to attend a Conference in Europe. It was probably at Gauhati. I was present throughout all the sessions of All India Trade Union Conference at Jheria. I was present at the reading of fraternal greetings in the Congress. I heard one which purported to be from the General Council of the Trade Union Congress London, containing a mention of Purcell and Hallsworth. There was also one purporting to be from Irish Labour Party and Trade Union Congress, Dublin. There was also one purporting to be from Ceylon. Also others purporting to be from institutions as well as wellknown persons such as Mr. C. F. Andrews. There was a session of the All India Railwaymen's Federation at the same time at Jheria. I did not attend it. There was a Mr. Sen at the All India Trade Union Conference but I dont recall his initials. It might be I.B. Sen. I also saw there Mr. Ramanand Chatterjee, and Amar Nath Dutt M. L. A. Some of them spoke. Mr. G. N. Roy M. L. C. was Chairman of the Reception Committee. A resolution was moved

from the Chair about Lala Lajpat Rai's death. Many resolutions, were merely read out as there was no time for discussion, on the last day. Almost the only speeches on the last day were the vote of thanks and the President's concluding speech.

By S. S. Josh. I can understand ordinary Urdu. I ascertained that S. S. Josh made his Presidential speech in Urdu by hearing it. He spoke in Urdu also, and I think also in English. I think it is correct that he conducted the proceedings in Hindi and made his speech in English. I got a printed copy of his speech in Urdu.

By Dange accused. I dont remember if I saw Dange accused addressing the Gauhati Indian National Congress on a resolution regarding tenants and zamindars, or if I saw him either in the Pandal or in the Subjects Committee there.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

(Sd) R. L. Yorke

15. 12. 30

*K. B. S. Abdul Karim on S. A. No. 296 in Lower Court.  
In English.*

I have been in the Police since June 1908 and in Criminal Intelligence Department Madras since August 1917. I was in Madras from 1925 to 1927. In the course of my duties I had to intercept letters in the post.

On 23.2.26 I intercepted the original letter dated 23.1.26 of which Exh P. 2320 series are photographic copies. I intercepted it because I understood the addressee N. Swamy was a cover address for C. K. Iyengar about whose letters there was a censorship order. The outer cover was addressed to N. Swamy and the inner one simply Iyengar. C. Krishna Swami Iyengar is aged about 35 to 40, about 5 ft. 8 ins in height, lean, blackish in complexion, sudden cheeks, small pox marks on his face. The letter and contents were photographed in my office and Exhs P. 2320P, PE (1) and PE (2) are the photos. The original letter was passed on for reposting.

On 7.3.26 I intercepted a letter dated 17.2.26 from one 'Dr. Nair' addressed outer cover to N. Swamy and inner cover to Iyengar. I had the covers and letter photographed in my office and Exh P. 2321 P, PE1 and PE2 are those photos. The original was reposted.

The letter marked Exh P. 2322 (1) with an enclosure in typescript Exh P. 2322 (2) along with a registered envelope Exh P. 2322E came to my office with covering letters P. 2322 a and b the last being dated 24.6.26 from the Postmaster General Madras.

On 4.6.26 I intercepted a letter signed Alakh Prakash (P A Pd.) dated 31.5.26 with a Hindi enclosure of the same date signed illegibly addressed to N. Swamy. I had these photographed and Exhs P. 2313 P, P (1) and PE are those photos. The original was reposted.

On 17.10.26 I intercepted a letter dated 29.9.26 addressed on outer cover N. Swamy, inner cover addressed simply Iyengar, containing 2 letters one in English signed M. A. and the other in Urdu signed Mohammad Ali headed Nassim in English. I had the whole photographed in my office and the originals passed on. Exhs P. 2315 P English letter, P1 Urdu letter. PE1 and PE2 are the photos taken.

On 31.10.26 I intercepted a typed letter with manuscript corrections dated Berlin 13.10.26 outer cover addressed N. Swamy,

inner cover addressed Iyengar. I had these photographed and the original passed. Exhs P. 2323 P covering letter, P1 enclosure, and PE1 and PE2 are those photos.

On 19. 12. 26 I intercepted a letter dated 1. 12. 26 addressed outer cover to Mr. Kannan, inner cover Iyengar because our information that Kannan was another cover address for C. K. Iyengar. I had the covers and letter photographed and Exhs P. 2324 P, PE1 and PE2 are the photos. The originals were reposted.

On 28. 2. 27 I intercepted a letter dated 10. 2. 27 Paris addressed to Kannan on outer cover and to Iyengar on inner cover; I had these photographed and the originals passed on. Exhs P. 2325 P, PE1 and PE2 are those photographs.

On 27. 2. 27 I intercepted a letter dated 19.2.27 Bombay addressed to Kannan and had it photographed. The original was passed on. Exhs P. 2326 P & PE are the photographs.

On 19. 6. 27 I intercepted a letter dated 2. 6. 27 addressed to Kannan signed M. A. I had it photographed and Exhs P. 2327 P & PE are the photos. The original was reposted.

On 19. 6. 27 I intercepted a cover with 2 typed enclosures addressed to Chakravarty in Madras. The enclosures were 2 typed letters in English one signed in type George dated 16th June Bombay and the other to Douglas signed Des in type dated 14th June. I had information that Chakravarty was another cover address for C. K. Iyengar. I had the cover and contents photographed and the original passed on. Exhs P. 2328 P1, P2 and PE are those photographs.

On 29. 8. 27 I intercepted a cover addressed to Chakravarty containing an inner envelope address 'for Swami' in which there were 2 letters both typed, one dated 26th August signed in type George, and the other dated 15th August from Des. I had these photographed and the original passed on. Exhs P. 2329 P, P1, PE1 are the photographs.

On 24. 3. 27 I intercepted a letter addressed in Tamil to Kannan with inner cover 'for C. K. Swamy' in which were 2 enclosures a manuscript English letter dated 23. 3. 27 unsigned and a letter in a number cipher. I had these photographed and the originals reposted Exhs P. 2312 P, P1, PE1 and PE2 are those photographs.

About the end of October 1925 an envelope addressed to H. M. Kassime containing an inner cover addressed in English Lala inside which was an Urdu letter dated 17. 10. 25 to Dear

Brother signed Your brother Sweetmeat-thief (Mithaichor) was given to me by an agent. I kept it. It is Exh P. 2316 and E1 and E2.

I know accused Ajudhia Pd. in Court (pointing him out). I have seen him both in Madras and in Pondicherry. It was in 1924 or 1926 in Madras he was in company with Mr. C. Krishna swamy Iyengar. In Pondicherry he was with Mr. R. C. L. Sharma. Exh P. 2310 is a photo of that Mr. Sharma. Exh P. 2305 is a photograph of Mohammad Ali Sipassi whom I have seen in Pondicherry.

(Mr. Sinha objects that notice has not been issued in respect of originals as follows: P. 2325 P and P. 2327 P to Kannan, P. 2328 P to Chakravarty, and P. 2313 to N. Swamy. Notice to them is he argues required as these letters contained no inner covers and therefore those persons are to be regarded as the original recipients. The prosecution case is that internal evidence shows these letters were not intended for the nominal addressee and the originals must therefore if in existence be with the real addressee. Notice to the nominal addressee is in such cases useless. In my opinion if the internal evidence shows these letters were intended for the same person to whom other letters so addressed were meant than notice to these persons is not necessary.)

In fact my information was that there was no such person as Chakravarty; I am not sure about Kannan.

XXN. For Joshi and others. I intercepted all these letters myself. My statement in the Lower Court means that there are many intercepted letters in the Madras C. I. D. office but I was asked to bring only these. When I went to Madras I went through the files and gathered my information but I did not bring the files here, to Meerut. It was some time last year before October that I went through the files. I have intercepted many other letters. I refreshed my memory in regard to these letters by my reference to those files. I may have glanced at other things in looking through the files of these letters. I have been doing interception work for a number of years in the course of my regular duties, till I left Madras in 1929. All the intercepted letters were intercepted by me in the city of Madras. I may have intercepted other letters addressed to these 3 names, Swami, Kannan and Chakravarty, in those years. I can't say how many. There were a few more cover addresses of Iyengar known to me, possibly half a dozen. I may have intercepted letters addressed to them too. (Mr. Sinha asks for the sources of witness' information as to these being cover addresses. Crown Counsel quotes sections 124 and 125 of the Indian Evidence Act.) I certainly think that public interests would suffer by the

disclosure of these sources. I cant say whether after 1927 I intercepted letters addressed to Mr. Iyengar at these cover addresses. Nor do I remember whether in 1929 I intercepted any letter for Iyengar at these addresses. It is several years now since I saw Iyengar. I knew him as a silk merchant, a swarajist and a Communist. I never knew him personally as a friend or acquaintance. I dont think I ever talked to him. I obtained all my information about him from inquiries. I dont know if he is still in Madras. The man whom I know is known to me by the name of C. Krishna Swamy Iyengar. I got his name by inquiries but I cant divulge from whom (privilege claimed). I am not familiar with his handwriting. I know he was living in Triplicane a part of Madras town before July 1929 when I left Madras. I never visited 18 Venkatachala Chetty Street, Triplicane, to make inquiries about him. I dont think I supplied that address to the prosecution. Krishna-swamy Iyengar is a common name in that community of Iyengars. I never visited 19 Niliviraswami Chetty St myself, nor Kannan's address in P. 2324PE1, nor Chakravarty's address in P. 2329 PE1. All the streets mentioned in these addresses do exist in Madras. I claim privilege in regard to the persons from whom I learned that Chakravarty did not exist. In regard to P. 2316 series I claim privilege in regard to the source from which I obtained it. P. 2322 series was received by Mr. Mullaly who was then Personal Assistant to Deputy Inspector General of Criminal Intelligence Department. He passed it on to me. Confidential inquiries were made about that letter. I did not make any inquiries personally, in the matter at all, including who was the writer of these letters. I cant say if inquiries were made as to who was the writer of P. 2322 (1). It will be on the file. It was part of my duties to watch the activities of Communists in Madras. Occasionally once in a way I personally followed such people. I once followed Iyengar in company with Ajudhia Pd. I was not following the movements of Iyengar on that occasion but those of Ajudhia Pd. accused. I cant name the month in which I saw Ajudhia Pd. the year was either 1924 or 1926. I remember it was in Triplicane but I cant give the exact place there, or the street. I dont remember where Ajudhia Pd. was staying at that time. I was waiting on the lookout for Ajudhia Pd at a particular place. It was part of my duty to visit Pondicherry and I went there a number of times during my stay in Madras. I cant say how many times I went each year in 1924, 5, and 1926. It would be a number of times. I had not followed Ajudhia Pd to Pondicherry but saw him there. It might have been more than once I saw him there. I cant be definite about the month but I certainly saw him there in 1924 and may have seen him in 1926. I am not definite about 1926.

Sd. R. L. Yorke

25. 11. 30

Continued on S. A. XXN. For Joshi and others. Continued. I did not make any report about seeing Adjudhia Pd. to the director Intelligence Bureau or anybody. I made an entry about it in my own confidential notes. Iyengar was watched for a time by the Madras C. I. D. I think he was not much of a Communist after 1928 and was not much watched after that. I dont know if any attempted has been made to trace him in order that he might give evidence in this case. I was not asked to obtain information about his whereabouts in connection with this case. The duty of intercepting letters is entrusted to Sub Inspectors also in Madras and not only to higher officers. In intercepting letters I was assisted at one stage or another by subordinate officers. That probably applies to the interception of these letters also. I dont remember whether the original of Exh P. 2313P was accompanied by a newspaper cutting. With reference to the P. 2315P series I cant swear particularly that both letters were inside the inner cover, but my memory is that in my experience the letters were always inside the inner cover. I never found the letters outside the inner cover.

By Nimbkar accused. I was not present inside the Pandal at the Madras Congress in 1927 at the time of the Sessions. Nor was I present at the meetings of the subjects committee, nor at the Republican Conference or the Unemployed Conference. Nor did I see any procession of workers to the Unemployed Conference. I went round the Pandals at the time of the Indian National Congress, that is during the Xmas week. I did not attend any of the conferences which took place during their deliberations. I dont remember attending any political meeting in the week after the Indian National Congress.

By other accused. NIL.

REXXN. I was connected with the Madras meeting of the Indian National Congress in so far as I was concerned with the collection of reports from various provincial C. I. D. officers on duty there, and submitting them to my superior officers.

Read and admitted correct.

Sd. R. L. Yorke

26.11.30

*Mr. S. G. Mani Pillai on S. A. No. 289 in the Lower Court.  
In Tamil translated B. K. Subramaniya, Clerk in the O. M. A's  
office shown as interpreter.*

I was Assistant Commissioner of Police Pondicherry but have now retired. I know one Ram Charan Lal Sharma there. He is there since 1920. It was part of my duties to keep an eye on foreigners like Sharma, that is people not permanent residents of Pondicherry. I know a man called Mirza Abdul Mohammad Shah Sipassi. Shown photograph P. 2305. That is a photo of the man I mean. I saw him at Pondicherry for the 1st time on 4.1.24. He stayed there about 1½ months and lived at Vijie Hotel. He left his box at the hotel, took a reckshaw and went to the bazar. There he went to the Mangal Das Pharmacy and then back to the hotel. He stayed in the hotel some 11 days and then went to Sharma's house. I had in fact seen him on the very first evening after his visit to the pharmacy meeting Sharma near the pharmacy. He stayed with Sharma till he left Pondicherry. Sipassi left Pondicherry about 25th February but I cant be sure of the date. I think it was the 25th. He was expelled from Pondicherry by the government order. I produced this book Exh P. 2306 from Pondicherry last year "Register of declarations of residence of strangers." Item 1849 relates to Sipassi who signed it in my presence having given me the details filled in above his signature by me. I signed below. Exh P. 2306 S is that signature of Sipassi made before me. The body of the document P. 2307a dated 12.2.24 was written in my presence by Sipassi but signed by Sharma. The note at foot was written by Sharma in my presence in confirmation of the fact that he had dictated the petition. Exh P 2307b is the certificate.

I had sent for Sipassi and Sharma on 6.2.24. I had sent Constable Pelerin with a chit. Exh P. 2308 is the reply I received through P. C. Pelerin and I sent it back with my endorsement on the top lefthand corner through him. P. C. Pelerin again brought it back to me with another endorsement on it purporting to be by R.C.L.Sharma, 'Received.' In view of differences appearing between his signatures on these papers and other documents I desire to have Sharma's genuine signature. I therefore sent for Sharma and asked him to sign in my presence, on 15-2-24. He signed in presence of me and my chief on paper Exh P. 2309 and those are his signatures. The photo Exh P. 2310 is of the Sharma to whom I refer.

XXN. For Joshi and others. I never gave evidence against Sipassi or Sharma in any case before this. All these documents were in the Government House, in the Governor's private cabinet.



The Governor's Private Secretary keeps such papers. The Register produced is kept in the custody of the Commissioner of Police, in his office. It was in my charge as long as I was Assistant Commissioner. Every stranger entering Pondicherry has to give his particulars to an officer stationed at the Railway station. Those who stay in Pondicherry over a month have to go to the office of the Commissioner of Police. Each declaration form has to be stamped but the stamped portion is detached and given to the foreigner. It is a form of tax. The police make inquiries to find out whether anyone has overstayed one month without signing the Declaration form. If a foreigner stays more than one month and does not sign he is liable to punishment. During the period between 8-6-23 and 15-12-25 the register shown to me containing the entry about Sipasai is the only one which was maintained in the Commissioner of Police's office. I was Assistant Commissioner from 1-1-24 to 10-9-30. Sharma was watched throughout my service as Assistant Commissioner either by me or by my constables. Whoever was watching Sharma used to watch the people who were visiting him, and report daily the office of the Commissioner of Police. On receiving those reports I used to tell constables to make inquiries. I know Rangapillai street in Pondicherry. It is in jurisdiction of Big Bazar Police station. I never sent any report about Sharma to any British police officer, nor about Sepassi. If any such report had been made I as Assistant Commissioner would be the person who made it. There was never any trial of Sepassi but Sharma was tried in about 1925 or 1926. It was on the charge of beating a police constable. I sent for Sharma and Sepassi through Exh P. 2308 to inquire from them about something which they did in my jurisdiction about which I don't want to disclose. The other papers about which I spoke in connection with differences in Sharma's signature are in Pondicherry. I was ordered to bring all necessary and not all papers bearing Sepassi's and Sharma's signatures. I got my orders from the Governor. I brought only the register and the 3 papers shown to me. There was a huge bundle and out of it only these 3 papers were readily available. I took them out myself. I did not select them. They were the first 3 I found. I had hardly an hour to search out the papers and had not time to look for more. My office does not take specimen signatures of all foreigners who enter Pondicherry. There was no rule that such application as P 2307 had to go through me. It was written in the office of the Assistant Commissioner of Police, that is in my office. Sharma and Sepassi came together to my office to write it. I knew at the time what it was about. They wanted some books and I told them to apply in writing. I did not make any inquiry about the complaint contained in the petition. The words 'on inquiry' mean on my asking him if he accepts the contents of the petition, as it was not written

by him myself. I sent this application to the Governor. I took it personally to the Governor but no orders were passed on it. The application bears no signature of mine but only that of tax office on the stamp. It was not returned to me but kept in the Private Secretary's papers. I cant recall the name of the then Private Secretary. Every year there is a new one. There is a British C. I. D. officer stationed at Pondicherry. I cant remember who he was then. There is no interception of letters in Pondicherry, I dont know if the British C. I. D. officer sees letters addressed to political refugees from British India or not. The pharmacy is the pharmacy of Dr. Mangal Das. Dr. Mangal Das is the brother-in-law of Mr. David who is the leader of the Tamil party in Pondicherry. I know one Jules Rassenderem, another leader of the Tamil party there. All 3 are close friends. Mangal Das and Rassenderem are still in Pondicherry. Mangal Das takes no part in politics.

By Nimbkar. To Court. I have never been in France. To Accused. I know there is a Communist party in France. The French paper 'L' Humanite' is not proscribed in Pondicherry. Some 30 years back I was in French Indo-China. (Question in regard to the fact of Messrs. Poincare and Briand being charged in a conspiracy now the subject of a trial in Moscow ruled out as irrelevant.) I know that the British Government cannot demand extradition of political refugees taking refuge in Pondicherry. I dont know of any arrangement between the English and French police for the watching of International offenders. There was a political refugee called Santa Singh in Pondicherry in 1927. He was not kidnapped from French India, or handed over. He went away by train. I cant say how the British police got information about our action in connection with Sharma and Sepassi. We dont inform the British police. Sharma was at one time interned, that is he was prohibited from leaving one town. It was at beginning of 1924 up till the early part of 1927. He was interned in Villanur. He got no subsidy for his maintenance during those years. We do not watch the British C.I.D. officer. He and his men give declarations. Sharma is doing business nowadays. I have never known any political refugee to be handed over to the British as such, or any case where British police raided and took away a political refugee. We simply make note of people who come from British territory. If a refugee seeks or help we give it. Mr. Thomas Aroul is a member of the Tamil party. He is President of the Legislative Assembly of French India. Arabindo Ghose is still in Pondicherry. His activities are still watched. His visitors are watched, not harassed. Barindra Nath Ghose is also there.

By other accused. NIL.

REXXN. Looking at Exh P. 2307 again I now remember that the date Sharma went to Villianur was July 1924. Up to then he was in Rangapillai in Pondicherry town. Villianur is 5 miles from Pondicherry by rail and 8 by road. There is a railway station there. There is an officer at Pondicherry Railway station on duty gets every person arriving from British India to sign in a notebook and state where he is going to stay in Pondicherry. No such officer is on duty at Villanur. We get the information from the police constable at the Railway station, and give the stranger notice at my office that he will have to sign declaration form if he stays more than a month. There was a police constable on duty to report anyone coming to see Sharma at Villianur. Apart from there is no one at the station there to report arrivals of strangers in order to get declarations of residence. Such declaration can be signed at Villianur Police Station. Villanur also was in my jurisdiction. Pondicherry was my headquarter. I did not go to Villanur. There are British Postoffices in Pondicherry run by British staff and French Postoffices run by French staff. Letters coming from British India go to the British Postoffice. Letters from abroad may come to one or the other. I was not asked anything about the case against Sharma in the Lower Court and said nothing about it. This is the first time I ever mentioned the matter to anyone in this court.

(Sd) R. L. Yorke

26-11-30

By Mr. Sinha with permission of Court on S. A. The case against Sharma related to an occurrence in Pondicherry and not in Villianur. I cant give the date, or whether before or after his stay at Villianur. I dont know if the case was reported in the Pondicherry newspaper.

(Sd). R. L. Yorke

27-11-30

Read and admitted in English which witness understands sufficiently for the purpose.

(Sd.) R. L. Yorke

27-11-30

## P. W. 257

*P. C. Pellerin Arogyla Swami on S. A. No. 290 in Lower Court. In Tamil translated by Mr. B. K. Subramaniya Iyer sworn as Interpreter.*

I am Police Constable no 207 and have been in service as Constable in Pondicherry for the last 17 years. I know the man depicted in Exh P. 2310. His name is Sharma. I knew him in Pondicherry and Villianur. I also know the men depicted in Exh P. 2305. His name is Sipasi. I met Sipasi putting up in Sharma's house in Pondicherry. I had been to Sharma's house. My Commissioner Mr. Manipillai in Court (P. W. 256) gave me a chit to take to Sharma. I went to Sharma's house which was no. 11 in Agand Rangapillai Street. Sharma was not there but Sipasi was there. I gave the chit to him and he gave me in reply Exh P. 2308 by itself without any endorsements. I took it to the Commissioner and he wrote something else on it for me to take back. I took it back and then found Sharma there. He wrote on it the Receipt, and then I took it back to the Commissioner and gave it to him. I know the man sitting by Defence Counsel in Court (Ajudhia Pd.). I have seen him both at Pondicherry and Villianur. I saw him several times between June and December 1924. He was with Sharma. I was detailed for watching Sharma, Ajudhia Pd was living with Sharma for 2 or 3 weeks at Pondicherry and then went with Sharma to Villianur. I saw that man (Ajudhia Pd) again later with Sharma at Villianur for a few days, about 2 years later.

XXN. For Joshi and others. I knew Sharma before I took the note to which P. 2308 is a reply. Sharma wrote the signature in the corner of P 2308 in my presence. Villianur is at a distance from Pondicherry town, 5 miles. I used to visit Villianur while Sharma was there. I used to submit reports about Sharma every day or 2 days, that is as occasion arose. I submitted reports about Ajudhia Pd's visiting Sharma as well as others at Villianur to the Assistant Commissioner. I cant read English but I can recognise one or 2 letters.

By other accused. Nil.

REXXN. NIL.

Read and admitted correct. Read over in English and Urdu and translated sentence by sentence to witness by interpreter.

(Sd) R. L. Yorke,

27-11-30

*Inspector H. S. Abdul Sattar on S. A. No. 291 in Lower Court. In English.*

I am an Inspector in the Criminal Intelligence Department Special branch Madras and have been 22 years in Police. In 1923 to 1925 I was a sub Inspector in the Special Branch. It was part of my duties to watch the movements of certain political suspects. In the course of that day I went to Pondicherry. I know one Sharma the man depicted in Exh P. 2310. I came across him at Pondicherry. I also saw some correspondence coming to him. I came across letters addressed to other persons with an inner cover addressed to him. Some letters were passed on and others were not returned to me by my head office to which I sent them. In the letters passed on by me I saw signatures of M. N. Roy from Berlin, Dr. Nair whom I believe to be Sipassi, a Mr. Petit and others including Evelyn Roy. I know Sipassi and the man depicted in P. 2305 is the man I mean. I saw him first in Pondicherry at Sharma's house where he was living. He was subsequently expelled from Pondicherry by the authorities there.

I had personal dealings with Sharma as I learned Hindi from him. I have seen him writing on several occasions, and am acquainted with his handwriting. The writing in Exh P. 2312 P appears to me to be that of Sharma. I know the writing Exh P. 2313 P also. It is that of Ajudhia Pd accused in Court (recognising him.) I saw him also at Pondicherry, living with Sharma. I had seen him writing. I first saw him at Pondicherry in the 1st week of June 1924. He stayed partly at Pondicherry and partly at Villianur where Sharma was moved, from June up to about December 1924.

XXN. For Joshi and others. I intercepted the letters I have mentioned to Sharma at Pondicherry, at the Berlin Post office there. All letters addressed as well as to his accommodation address were examined by me. I dont keep copies of letters I intercept. I sent all the intercepted letters in original to the C.I.D. Head office at Madras. I dont remember having intercepted any letter addressed to Ajudhia Pd. I watched Sharma independently. I dont take the help of the French police. I know that Sharma was watched also by the French police. I received no reports about him from the French police and made no inquiries from them. There are many political refugees from Madras in Pondicherry. They also are watched by the British police. I was not staying in Villianur all the time Sharma was interned there. There were British police, constables, and head constables, at Villianur. Sharma new I was in the British police. I did not pay Sharma anything. I

learned Hindi because it is believed to be the language in which political correspondents write. I did not tell him my object. Ajudhia Pd did not teach me. He did not join the lessons. There was no difference in the intimacy between me and Sharma and that between me and Ajudhia Pd. They both knew that I was watching them.

By other accused. NIL.

REXXN. I was not the only Sub Inspector on this work, there was another also. We took it in turn. During his turn he did the work including interception. In my turn I did it. The other officer was Sub Inspector Habibuddin.

Read and admitted correct.

(Sd.) R. L. Yorke

27-11-30

Recalled at request of prosecution. On S. A. I know one C. Krishnaswamy Iyengar living in Triplicane at no 18 Venkatachala Chetty St. The personal Assistant to the Deputy Inspector General of Criminal Intelligence Department asked me to serve a notice personally on that man. I personally handed over the original notice to him and got his signature on the duplicate, on 14-10-29 I returned the duplicate and that is it Exh P 2524 shown to me. He signed the duplicate in my presence, and wrote the portion encircled in red. Iyengaar is a man whose correspondence I and K. B. Abdul Karim were both engaged in intercepting. I have known Iyengar for a long time.

XXN. For Joshi and others. The man Iyengar whom I have known for a long time is the man on whom I served this notice. I made inquiries about him in Pondicherry also but in connection with this notice I made no inquiries elsewhere in Madras. I sometimes attend meetings also.

By Nimbkar accused. I was in Madras in December 1927. An Unemployed Conference was held but I did not attend it. I was always in the Congress Nagar. I saw many processions. I did not attend any of the Congress sessions.

Read and admitted correct.

Sd. R. L. Yorke

27-11-30.

## MEMORANDUM

# P. W. 259

*Seth Ali Mohammad on S. A. No. 292 in Lower Court. In Urdu.*

I lived in Pondicherry from my childhood, in Rangapillai Street. I moved to Nagu a year ago. I was 3 years in the house in Rangapillai St, in 1923, 24 and 1925.

I know the man depicted in P. 2310 shown to me; it is Sharma. He lived next door to me in Rangapillai St. His full name is R. L. Sharma. I also know the man depicted in Exh P. 2305. His name is Sipasi, Mirza Mohammad Ali Sipasi. I first saw him in January 1924 in Rangapillai St. at Sharma's house. I saw him there for about 7 weeks. Sharma introduced him to me. Sipasi himself gave this photograph to me Exh P. 2305, 3 or 4 days before he left Pondicherry, as a memento. The writing on the back was written by Sipasi himself in my presence. A month before I gave evidence in the Lower Court K. B. Abdul Karim came to my house at Nagu and I gave this photograph to him. I recognise the postcard Exh P. 2314. I received it by post from Sepasi. It is in Sepasi's handwriting with which I am acquainted, both the English and the Urdu. I have seen Sepasi writing several times both in English and Urdu. I can recognise his handwriting in other letters. The letter Exh P. 2315, P, PI, PE1 and PE2 all appear to be in his writing. I also recognise as his in Exh P. 2316, E1 & E2.

I know one Ajudhia Pd. That is he in Court, pointing him out. I met him at Sharma's house first in June 1924. I saw him for 2 or 3 weeks at Sharma's house in Rangapillai St. About end of June Sharma left that house and went to Villianur. Ajudhia Pd was with him when he left Pondicherry. I saw Ajudhia Pd coming to my shop from Villianur a number of times after that, for 2 or 3 Months.

I know a man called Krishnaswamy Iyengar who used to come to Sharma's house in Rangapillai St. He was a bit taller than me, rather darker than me, with pockmarks and sunken cheeks aged 40 years. I used to see him at Sharma's once or twice a month, in 1923 and 1924.

I know Sharma's writing. I often was him writing. Exh P 2312 P is I think in his handwriting. That is his but not the envelope PE1. Envelope Exh P. 2312 PE2 is his.

XXN. For Joshi and others. I dont know the man whose name appears as addressee in Exh P. 2316 E1. I have no cousin

of that name. I have never visited the house of which number is given in that address. I never saw P. 2316 until I saw it in lower Court. I gave the postcard Exh P. 2314 also to K. B. Abdul Karim. It is the only letter I ever received from Sepassi. I have never written to him. It was lying with me. All the letters I receive lie with me. I had never informed any police officer that I had received a letter from him. I dont know how K. B. Abdul Karim knew I had received this postcard, or how he knew I had Sepassi's photograph. I gave them both to him on his asking me for them and not of my own motion. I dont remember telling anyone that I had received a postcard from Sepassi or that he had given me his photograph. It was in January I first met him not February. I was doing cloth and general merchant and motor business in 1924. I had no motor bus but a couple of taxis for hire. I have a brother who lives with me. I never borrowed money from Sharma but he has swallowed much of mine. We never had any litigation. I know English as much as is necessary for my business. I read it to 4th or 5th form only.

By other accused. NIL.

REXXN. NIL.

Read admitted correct in Urdu.

Sd. R. L. Yorke

27. 11. 30

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## P. W. 260

*Sub Inspector Abrar Ahmad. No. 224 in Lower Court. On S. A. In English.*

I am a Sub Inspector in the Criminal Intelligence Department Bombay and have some 15 years service in the police. In course of my duties I have had to intercept letters.

On 29. 2. 28 I intercepted a letter addressed to Editor Khilafat Bombay purporting to be written by R. S. Nimbkar Secretary Bombay Municipal Workmen's Union. It was undated but the postmark was 28th February. I made a copy of it and compared it with the original, and found it correct. Exh P. 1997 C is that copy. The original was subsequently sent on for delivery.



XXN. For Joshi and others. Intercepted letters are generally copied on censorship forms. This was the only letter of this kind which I intercepted. I did not intercept any addressed to other papers. The editor of Khilafat at that time was one Badrulhasan Jalali. I read it. It is a Nationalist Communal paper.

By Nimbkar accused. I work outside as well as in C. I. D. office. I have attended Congress meetings held in Jinnah Hall and Marwari Vidyalaya Hall.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

27. 11. 30.

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## P. W. 261

*S. Nurullah on S. A. No. 299 in Lower Court. In English.*

I am a Barrister, and Educational Inspector in Poona. I know a man called V. Chattopadhyaya. That is he depicted in the photo Exh P. 2343. I met him in Berlin in about August 1925. I met him on account of a friend Abdul Quddus who was a school mate of mine in India. Abdul Quddus went to Europe in about 1920 or 1921. I understood he was in Berlin. I was in Berlin in 1925 and wanted to meet him. I therefore tried to find his whereabouts from some friends but could not find out much. However I was informed that there was one man who could tell me something about Quddus, namely Mr. Chattopadhyaya, who was said to have assisted him when he was in trouble. I was taken to see Chattopadhyaya by a Sikh gentleman running a restaurant in Berlin, I forget his name. We went to Chattopadhyaya's house. He said he was very busy. When I told him what I wanted he said I cant tell you now, you leave your address and I will let you know. I left my address and went away. Shortly afterwards I received a short note from him asking me to meet him at the same Sikh gentleman's restaurant. I went there and met him and we talked about

Quddus. He told me Quddus was not in Berlin but would not tell me where he was, but gave me Quddus' Berlin address. I met Chattopadhyaya casually, that is not by appointment, once or twice after that.

I next met Quddus in 1928 in Madras. One morning in about September or October he came to my place in Madras unexpectedly and stayed with me for 2 or 3 days. I told him about my inquiries in Berlin. He told me he had heard about it from Chattopadhyaya. He showed me some snapshots and some letters, some of which were from Chattopadhyaya. I recognised the signature and Quddus also told me they were from him.

I am familiar with Chattopadhyaya's signature. The only time I have seen him writing was when he wrote Quddus address for me. The following papers are shown to me; P. 1348 (23) bears his full signature: so does P. 1348 (27) and P. 1348 (29) and P. 1603 P, and P. 1610 P, and P. 1633, and P. 1644 which however is short signature 'Chatto', and P. 1645 P the same, and P. 1646 the same, and P. 1647 P signature in full, and P. 1649 P short signature Chatto, and P. 1651 2 full signatures, and P. 1652 B full signature, and P. 1655 P short signature, and P. 1680 full signature and P. 1804 full signature, and P. 1805 short signature, and P 1852 P full signature, and P 1866 P full signature, and P 1998 P and P1 and P2 and P3 full signatures, and P. 2014 full signature, and P 2030 full signature, and P 2211 full signature, and P 2344 full signature. Quddus went back to Europe in October or November 1928 and I believe is there still.

XXN. For Joshi and others. My knowledge of Chattopadhyaya's signature is derived partly from the one chit he wrote to me and partly from the letters shown to me by Quddus as stated above. I cannot say to what extent it is due to the former and to what extent to the latter. In the chit he wrote me Chattopadhyaya signed his full name. I did not keep the chit. I received from him and dont know when I lost it. I had no occasion to refer to it again after I read it. After that meeting I did not keep in touch with him or carry on any correspondence with him. I made no mention of Chattopadhyaya's writing. Quddus's address in Lower Court. I was not asked there how he gave it to me. (Note. The point came out here in answer to question whether witness had ever seen Chottopadhyay's writing. I cant give the name of street in which the restaurant was. I used to go to it from Charlottenburg station. I think I went to Chattopadhyay's house from the restaurant some 4 or 5 days after reaching Berlin. I did not know the Sikh gentleman before I wen to Berlin. I dont know the name of street in which

Chattopadhyaya lived or indeed in what part of Berlin it was as I was taken there. Chattopadhyaya and I lunched alone. My personal knowledge of Mr. Quddus in Europe is nil because I never met him there. I returned to India in January 1928, and settled down to practise in the Madras High Court. I was appointed Educational Inspector in June 1930. I took up education because the profession of law meant long waiting and I could not afford to wait. My salary is Rs 320 p. m. It is an appointment under the Government of Bombay. I am not a resident of the Bombay Presidency, but have friends there. I applied for an educational post in Madras also but got this one in Bombay before anything turned up in Madras. 2 months before I came to give evidence in the Lower Court. I had a talk about my meeting with Chattopadhyaya with a police officer. Before that I had not talked to anyone about it. Nor had I ever talked about my meeting with Quddus in Madras in 1928. The police officer was from Madras. It was Khan Bahadur S. Abdul Karim. I did not volunteer the information to him. He did not promise me any return for the service I was rendering, not even an appointment under the Bombay Government.

By Nimbkar accused. At the time of my evidence in Lower Court I was actually practising in the Madras High Court. In December 1928 I got a job in the Labour office of the Bombay Government as an investigator. I did that work only in the city of Bombay. I acted for Mr. Mihrban who was acting for Mr. Deshpande on leave. I got the job in the Labour office by applying for it. I applied in September or October 1929. I saw an advertisement of the vacancy in the newspapers. I had the qualification of being a 1st class Graduate in Economics. I was in that job up to 7. 5. 30. I was then relieved on Mr. Deshpandes return from leave. That job was temporary and I had applied long before May for the job in the Educational Department. I am now the Education Inspector, Central Division, for High Schools. The post was vacant when I got it. This job used to be given to experienced officers in the Department after many years service. I am under the Director of Public Instruction Bombay Presidency. I cant say whether or not there is retrenchment recently in the Bombay Educational Department. I know we are asked to be very economical. I cannot say definitely that we have been reducing hands lately, but we do avoid taking on new hands where not absolutely necessary.

I went to Europe in 1924. I knew Quddus was in Germany at that time I received letters from him. I did not stay at the Sri Krishna lodge at Bombay on my way to Europe but at Young men's Christian Association Byculla. I did visit the lodge then I dont remember whether I made inquiries about Quddus's whereabouts there but it is possible I did, because Quddus was staying

there before he went to Europe. I went to Europe with the assistance of the Mohamedan Educational Society of Bombay. They gave me Rs 12000. I went on the Continent only once apart from my journeys from and to India. I visited France, Germany and Switzerland, for sightseeing and seeing educational institutions. In Germany I visited Freiburg and Weimar, apart from Berlin. I was about 2 weeks in Berlin. I did not want apart from the Quddis matter to meet anyone but students and professors. My friends probably Mr. Shahidi in Berlin told me the Sikh gentleman was an exprisoner of war. My friends in Berlin were Mr. Ishaq, Khwaja Abdul Hamid and Mr. Shahidi. They do not come from Madras but were old Aligarh friends. It was Shahidi who first took me to the restaurant, and there I met the Sikh gentleman. I have met Khwaja Abdul Hamid and Mr. Shahidi in India since my return. It might be August or September when I had that talk with K. B. Abdul Karim. I had known him for a long time. I have no business to be interested in the accused in this case.

By Mr. Sinha with permission. I remember vaguely the address of Quddus which Chattopadhyaya gave me. It was Junker's Factory or something, Dessall. It was written in German on a slip of paper and not signed by Chattopadhyaya.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke .

28. 11. 30.

Mr. Sinha objects to the evidence of P.W. 261 as not coming within the scope of section 47 I. E. A. In reply to his argument Crown Counsel points out that the witness has seen Mr. Chattopadhyaya write and that is sufficient for the explanation in section 47. The rest of the arguments go to weight and not admissibility. In my opinion this evidence is technically admissible and cannot be ruled out. The objection must therefore fail

(Sd). R. L. Yorke

28-11-30

## P. W. 262

*Deputy Inspector Ahmed Khan Chaudhri on S. A. No. 181 in Lower Court. In English.*

I am an officiating Inspector of Police in Bombay and have over 9 years service in the police. I know the accused Shaukat Usmani in Court, pointing him out. I arrested him on 20-3-29 acting on warrant Exh P. 1555 at his residence at Aga Khan Building in Bombay. I had also with me a search warrant Exh P. 1556. I was accompanied by Chandulal Nathabai and another as witnesses. I searched Usmani accused's person and room and prepared separate search lists myself which I and the witnesses signed. They correctly record what was found and seized in both searches. Exh P. 1557 is list for personal search and P. 1558 the search list for the residence.

In the personal search the following papers were recovered: Exhs P. 1559 to P. 1563. In the room search the following documents etc were recovered: Exhs P 1566 to P. 1578 and P1578 (2) to P 1580. In both searches the witnesses and I myself both signed each document seized. Usmani accused was present throughout the search.

I also received a warrant Exh P. 1581 to search the belongings of a Mr. H. L. Hutchinson. I carried out that search on 15-6-29 in 3 places first Khatau Building, secondly at Krishna Building and 3rdly at no. 5 Napier Road.

For the Khatau Building search I had two witnesses. A Monterio and another. I prepared a search list Exh P. 1582 which is correct and is signed by me and by the search witnesses. In this search I recovered documents Exhs P. 1583 to P. 1589. For the Krishna Building search I had witnesses Sukhdeo Shankar Ram Pande and another. I prepared a search list Exh P 1590 which is correct and is signed by me and by the witnesses. In that search I recovered among other documents Exhs P 1591 and P 1592.

On same day I had for my search at Napier Road witnesses Mohd. Hussain Abdul Karim and another. I prepared a search list Exh P 1593 which is correct and is signed by me and by the witnesses. In this search I recovered among other documents Exhs P.1594 and P. 1595. In these 3 searches I and the search witnesses signed or initialled every document seized. The room in Krishna Building was the office of the New Spark edited by Hutchinson accused, the room in Khatau Building was his residence and that in Napier Road the residence of Miss Chattopadhyaya which Hutchinson and Mrs Nambiar used to visit. Hutchinson accused was not present at any of these searches. He was out of Bombay.

I also received a warrant for the search of the house or rooms of one N. S. Mudkattie at Sharda Chawl belonging to Topiwala. Exh P 2525 is the warrant and I executed it on 21-8-29. I prepared a search list of the articles found and seized, Exh P 2526, which is correct and is signed by me and by the 2 witnesses. Mudkattie was present throughout. Among other articles found there was photo Exh P 2527 (which includes Mudkattie and Ghate).

I was in Bombay in September 1928 and was present on the S. S. Nevasa when a search took place of among other seamen one Abdul Hakim. I made a list Exh P 1596 of what was found. In that search membership card Exh P 376 was recovered among other documents. Another was the letter Exh P 378 and E.

I know Ajudhia Pd. accused in Court, (pointing him out). I saw him in Bombay, once when he came to the Criminal Intelligence Department office sometime in June 1928 when he gave his name as Abdul Hamid and complained of being followed by the Police. Mr. Desai had not then come or the Deputy Commissioner. I asked Ajudhia Pd. to wait. He said he would not wait but remained sitting. Then I left office and when I returned Ajudhia Pd was no longer there.

I was in Bombay in August 1927 and was present at a meeting on 27th at Marwari Vidyalaya Hall to protest against the electrocution of Sacco and Vanzetti. I made a report Exh P 2311 of that meeting which I submitted to my superior officers on 29th August. When I typed my report the matter and details of the meeting were fresh in my mind. Jhabwala accused in Court was presiding. Besides him Dange, Nimbkar and Mirajkar accused were present and spoke. The meeting was held under the auspices of the Workers and Peasants Party. The substance of the speeches is correctly set out in the typed portion of P 2311. Any manuscript alterations in that report are not mine. Pamphlets like Exh P. 1363 were sold at the meeting. 2 or 3 persons were selling them, I don't know who they were.

On 4-9-27 I attended a meeting at Marwari Vidyalya Hall under the chairmanship of Philip Spratt accused under the auspices of the Communist Party of India to welcome Shaukat Usmani on his release from jail. I took mental notes and from them submitted next day a type-written report P. 1684. The type-written report is a correct statement of the substance of the speeches. The manuscript corrections are not mine except those I have marked with red pencil. The persons named in that report were present and spoke.

On 7-11-27 I was present at a meeting held in Bombay to celebrate the 10th Anniversary of the Russian Revolution. I took notes from which I subsequently prepared a report based on them and on my memory which was then fresh. I submitted my report next day and it Exh P 1685 correctly states what happened. My rough longhand notes were sent in with the report and I don't know where they are now. The Type-written part of this report is mine but not the manuscript corrections.

On January 3rd 1929 I attended a meeting in Bombay at which Mr. Jack Ryan spoke. Mr. Mankar was engaged to report that meeting. I have read his transcription of the speech which corresponds with my recollection.

On 2-3-29 I attended a Youth League meeting at Matunga at which Hutchinson accused spoke. Mankar was there as reporter. I read his report while my memory of the facts was fresh and found it correct.

On 26th March 1929 at Jinnah Hall I attended a meeting at which Hutchinson accused spoke. Mankar was present as reporter. I read his report while my memory of the facts was fresh and found it correct.

On 2-2-28 I searched one Abid Ali on the S. S. Manora. I found with him the outer cover Exh P. 1686 E 1 which contained another envelope E 2 within which was a 3rd envelope E 3 containing the typewritten letter P 1686. I also found with him the visiting card Exh P 1687. He also had a membership card of the Indian Seamen's Union.

Mr. Mankar used to submit his reports through the officers if any who were present at the meeting and in the case of the above 3 meetings he submitted them through me. He handed in his shorthand notes at same time. Exhs P 1691, 2 and 3 are the reports by Mankar of those meetings which I found to be correct. My signature is in the shorthand notes Exhs P 1692 N and P. 1693 relating to 2 of these reports. The notes P. 1691 N have been initialled by Inspector Desai who was also present at the meeting.

Exh P 1507 is a report which I received from Mr. Serur, a reporter. It contains some corrections in my hand. These were made in comparing the shorthand notes with the transcription. I put in only things which he read out from the notes and which I found he had omitted in the transcription. I made no alteration out of my own head.

Exhs P 1480 to P 1485 were found in the possession of Adhikari accused and detained at the customs along with certain other things at my instance. I can read Marhatti imperfectly. I got them translated by Mr. Kothari and his typed translation is annexed to each.

I obtained the document Exh P 1688 from Murshed Ali. The half erased writing in the left hand bottom corner of side on which Exh, number is marked was written by me, inadvertently. I wrote the name and address of the man I got it from and subsequently erased it prior to sending the whole document to be photographed. The document was in the same state as it is now when it was produced in the Lower Court.

Exh P 1682 is a Manifesto which was distributed at the 1st Bombay Presidency Youth Conference in 1928 second half. I was present. (Manifesto of the Workers and Peasants Party to the Youth Conference). I received one like this at the conference. I submitted one copy with my report but cant say if this is actually that one. Seeing my report I say it was in January 1928.

In the course of my duties I have had to intercept letters in Bombay from several post offices.

On 8-6-28 I intercepted a German letter dated 22-5-28 addressed to Ghatge accused from one Max Ziese, Berlin. Exh P 1597 and E is that letter which was withheld in original.

On 6-7-28 I intercepted another letter in German dated 19 6-28 to same addressee from same writer. Exh P. 1598 and E is that letter which was withheld in original.

On 6-7-28 I intercepted an English letter dated 19-6-28 to Ghatge from same writer. Exh P. 1599 and E is same letter which was withheld in original.

On 20-7-28 I intercepted another letter dated 30-6-28 to same addressee from same writer. Exh P 1600 and E is that letter which was withheld in original.

On 14-7-28 I intercepted a letter dated 28-6-28 to S. V. Ghatge from C. P. Dutt. I made a copy and compared it with original and found it correct, Exh P. 1601C. The original was reposted.



On 21-8-28 I intercepted a letter dated 20-8-28 to Dange from Ghate and got it photographed and the original reposted. Exh P-1602 P is the photograph of the letter and envelope.

On the same day similar letters were intercepted and reposted, being addressed to Joglekar, Jhabwala and Nimbkar respectively. These were not separately photographed.

On 28-9-28 I intercepted a letter dated 5-9-28 addressed to Ghate from V. Chattopadhyaya. Inside the letter was an enclosure was a Press Service of the League Against Imperialism. The letter was photographed and reposted and Exh P 1603 P and PE are the photos of the letter and envelope. The Press Service was withheld and is Exh P 1604.

On 4-6-27 I intercepted a letter of same date addressed to K. N. Joglekar from Dange. I made a copy of the letter Exh P. 1605C which is correct and reposted the letter.

On 23-3-28 I intercepted a letter without date addressed to Dange from C. P. Dutt. A typed copy was made by S. I. Kothare which I compared and found correct Exh P 1606C. The original was reposted.

On 5-4-28 I intercepted a letter undated to Dange from C.P. Dutt. I made a copy Exh P. 1607 C which is correct and the original was reposted.

On 16-7-28 I intercepted a letter dated 14-7-28 to Dange from Sohan Singh Josh. I made a copy Exh P. 1608C which is correct. The original was reposted.

On 17-8-28 I intercepted a registered letter dated 2-8-28 to Dange unsigned containing a draft for Rs 266-10-0. The letter and draft Exh P 1609, P 1609 A and E were withheld.

On 5-10-28 I intercepted a cover addressed to N. M. Joshi postmarked Berlin 19-9-28. This cover contained an inner envelope addressed to Dange in which was the letter to him from V. Chattopadhyaya dated 18-8-28 and a circular typewritten letter from the Executive Committee of the League Against Imperialism. The letter and the 2 envelopes were photographed and passed on and the circular was retained. Exh P. 1610 P, PE1 and PE2 are the photos which were taken and Exh P 1610 A is the circular original.

On 9-11-28 I intercepted a letter dated 5-11-28 to Dange from Muzaffar Ahmad. The letter was photographed and reposted and Exh P. 1611 P. and PE are the photos.

On 4-3-29 I intercepted a letter dated 1-3-29 to Dange from Muzaffar Ahmad. It was photographed and reposted. Exh P 1612 P and PE are the photos.

(Sd.) R. L. Yorke.

28-11-30

Continued on S. A.

On 19-1-28 I intercepted a letter dated 16-1-28 to Dange from Muzaffar Ahmad. It was copied by me and Exh P 1613 C is a correct copy. The original was reposted.

On 15-2-28 I intercepted a letter dated 11-2-28 to Dange from Muzaffar Ahmad. Enclosed was a letter to Secretary Council of Action All India Trade Union Congress from D. K. Goswami Secretary of Scavengers Union of Bengal. I copied both letter and enclosure and Exh P 1614 C is a correct copy of both. The original was reposted.

On 5-3-28 I intercepted letter dated 2-3-28 to Dange from Muzaffar Ahmad. I copied it correctly and Exh P 1615 C is the copy. Original reposted.

On 5-8-28 I intercepted letter dated 3-8-28 to Ghate from Muzaffar Ahmad. I copied it correctly and Exh P 1616 C is that copy. Original reposted.

On 10-8-28 I intercepted letter dated 7-8-28 to Dange from Muzaffar Ahmad. I copied it correctly and Exh P 1617 C is that copy. Original reposted.

On 22-10-28 I intercepted letter without date to Dange from P. C. Joshi. I got it photographed and the original reposted. Exh P. 1619 P and PE is the photo.

On 9-11-28 I intercepted letter dated 6-11-28 to C. G. Shah from P. C. Joshi. I got it photographed and the original reposted Exh P 1620 P and PE are the photos.

On same date I intercepted postcard letter dated 6-11-28 to Dange from P. C. Joshi. I got it photographed and reposted. Exh P 1621 is the photo.

On 7-7-27 I intercepted letter dated 6-7-27 to Mirajkar from Thengde. I copied it and reposted original. Exh P 1622 C is a correct copy.

On 4-4-28 I intercepted letter dated 2-4-28 to Dange from Usmani. I copied it correctly and reposted original. Exh P 1624 C is the copy.

On 2-5-28 I intercepted letter dated 29-4-28 to Dange from Usmani. I copied it correctly and reposted original. Exh P 1625C is the copy.

On 24. 7. 28 I intercepted letter dated 22. 7. 28 to Dange from M. A. Majid. I copied it correctly and reposted original. Exh P. 1626 C is the copy.

On 24. 10. 28 I intercepted letter dated 21. 10. 28 to Secretary Workers and Peasants Party Bombay from D. K. Goswamy. There was an enclosure entitled 1st All India Workers and Peasants Conference. Both were photographed along with cover and originals reposted. Exhs P. 1627 P is the photograph.

On 7. 1. 29 I intercepted letter dated 3. 1. 29 to Dange from K. L. Ghosh. I got it photographed and reposted. Exh P. 1628P is the photo of letter and envelope.

On 19. 9. 28 I intercepted letter dated 17. 9. 28 to Jhabwala from L. R. Kadam. I got it photographed and reposted. Exh P. 1629 P&PE are the photos.

On 27. 9. 28 I intercepted letter dated 25. 9. 28 to Jhabwala from Kadam. It was photographed and reposted. Exh P. 1630 P & PE are the photos.

On 20. 10. 28 I intercepted letter dated 17. 10. 28 to Mirajkar from Kadam. It was photographed and reposted. Exh P. 1631 P& PE are the photos.

On 8. 6. 28 I intercepted cover addressed to Jhabwala containing 'Eastern and Colonial Bulletin' cyclostyled issued by Red International of Labour Unions dated 1. 5. 28. On cover sender's name was given as Max Ziese Berlin Cover and enclosure were withheld and Exh P. 1632 & E are they.

On 1. 6. 28 I intercepted letter dated 16. 5. 28 to Jhabwala from V. Chattopadhyaya. It and cover were withheld and Exh P. 1633 and E are they.

On same date I intercepted a cover addressed to Jhabwala containing 5 copies of resolution of League Against Imperialism, General Council. These were detained and Exh P. 1634 is one of them and E is the cover.

On same date I intercepted another cover addressed to Jhabwala containing 5 copies of Press Service of League Against Imperialism. They were withheld. Exh P. 1635 is one of them and E is the cover.

On 5. 4. 29 I intercepted letter dated 14. 3. 29 to Jhabwala from M. Appleton of Secretariat Pan Pacific Labour Conference Shanghai. There were 2 letters and both were detained. Exhs P. 1636, P. 1636A and E are those items.

On 16. 3. 28 I intercepted letter dated 13. 3. 28 to Dange from S. S. Josh. The original was withheld and this is it Exh P. 1637 and E.

On 6. 7. 28 I intercepted letter dated 4. 7. 28 to Ghate from S. S. Josh. It was withheld and is Exh P. 1638 & E.

On 6. 7. 28 I intercepted letter dated 4. 7. 28 to Dange from S. S. Josh. It was withheld and is Exh P. 1639 & E.

On 8. 8. 28 I intercepted letter dated 6. 8. 28 to Ghate from S. S. Josh. It was withheld and is Exh P. 1640 & E.

On 20. 8. 28 I intercepted letter dated 18. 8. 28 to Dange from S. S. Josh. I copied it correctly and reposted it. Exh P. 1641 C is the copy.

On 16. 9. 28 I intercepted letter dated 14. 9. 28 to Ghate from S. S. Josh. I got it photographed and reposted. Exh P. 1642 P & PE is the photo.

On 16. 9. 28 I intercepted a packet containing posters in Urdu and Gurmukhi advertising the Lyallpur Conference of the Workers and Peasants Party addressed to Ghate. Exh P. 1643 is one of the posters. They were withheld.

On 16. 11. 28 I intercepted letter dated 31. 10. 28 to Jawahar Lal Nehru from Chattopadhyaya. It was withheld. There was an enclosure dated 21. 10. 28 and also 2 illustrated papers. These were all withheld and are Exhs P. 1644, P. 1644 A & E.

On 30. 11. 28 I intercepted letter dated 14. 11. 28 to Jawahar Lal Nehru from Chattopadhyaya. Original was photographed and reposted. Exh P. 1645P is the photo.

On 28. 12. 28 I intercepted letter dated 12. 12. 28 to Jawahar Lal Nehru from Chattopadhyaya with enclosure a letter from Romain Rolland dated 4. 12. 28. They were all withheld and are Exhs P. 1646, A & E.

On 11. 1. 29 I intercepted letter dated 19. 12. 28 to Jawahar Lal Nehru from Willi Munzenberg and V. Chattopadhyaya, with enclosure entitled Statutes of the League against Imperialism. Both were photographed and the original reposted. Exh P. 1647 P includes the photos of the whole series.

On 19. 10. 28 I intercepted letter dated September 1928 (postmark is Berlin 28. 9. 28) to Workers and Peasants Party Bombay from League Against Imperialism Secretariat. It was withheld and is Exh P. 1648 & E.

On 9. 11. 28 I intercepted letter dated 24. 10. 28 to Jawahar Lal Nehru from Chattopadhyaya. The original was photographed and reposted. Exh P. 1649 P is the photo of letter and cover.

On 15. 2. 29 I intercepted cover containing Press Service and other cyclostyled papers from Executive Committee of League Against Imperialism to Jawahar Lal Nehru. These were detained and are Exhs P. 1650 & E.

On 8. 3. 29 I intercepted letter dated 20. 2. 29 to Jawahar Lal Nehru from Willi Munzenberg and Chattopadhyaya with enclosure letter of same date to Jawahar Lal Nehru by same people and also copy of reply by League Against Imperialism to R. R. Bakhle dated 20. 2. 29 and also typed short review of the activities of the League. These were all withheld and are Exhs P. 1651, A, B, & E.

On 5. 4. 29 I intercepted letter dated 20. 3. 29 to Jawahar Lal Nehru from Willi Munzenberg with enclosures letter of 19. 3. 29 to Jawahar Lal Nehru and circular letter from Secretariat of League to members of executive committee. They were withheld and are Exhs P. 1652, A, B, & E.

On 24. 10. 28 I intercepted letter dated 22. 10. 28 to Ghate from Muzaffar Ahmad. I got original photographed and reposted, Exh P. 1654 P is photo of letter and envelope.

On 18. 1. 29 I intercepted letter dated 2. 1. 29 to Jawahar Lal Nehru from Chattopadhyaya. It was photographed and reposted and Exh P. 1655P & PE are the photos.

On 28. 9. 28 I intercepted letter dated 10. 9. 28 to B. F. Bharucha from Peter Wilson and S. Saklatwala. I copied the original and reposted it and Exh P. 1656 C is the copy. Enclosed in the cover was draft no. M 44-13082 for Rs 1334-0 of Westminster Bank Ltd. on Honkong Bank Bombay. I copied it also.

On 14-12-28 I intercepted letter dated 14-11-28 to Suhasini care of Miss Mrilalini Chattopadhyaya 5 Napier Road from A.C.N. Nambiar. It was signed Nam, which I know represents A.C.N. Nambiar. I copied it and reposted the original and Exh P 1657 C is a correct copy. There was an enclosure addressed to D. B. and signed D. P. A correct copy of this is included in 1657 C.

On 14-12-28 I intercepted letter dated 29-11-28 to Ghate

from C. P. Dutt. It was photographed and reposted. Exh P 1658 P is the photo.

On 25-1-29 I intercepted letter dated 10-1-29 to Bradley from C. P. Dutt. It was photographed and reposted and Exh P 1659 P and PE is the photo.

On 15-2-29 I intercepted letter dated 31-1-29 to Bradley from J. E. Potter Wilson. It was photographed and reposted. Exh P 1660 P is photo.

On 9-12-28 I intercepted letter dated 6-12-28 to Jhabwala from P. Spratt with enclosure Functions of Sub Committee and Draft of Proposed Statement Labour and Swaraj, and also Draft Statement on Nehru Report. I copied the whole and reposted the originals. Exh P. 1661 C is the copy.

On 16-11-28 I intercepted letter dated 23-10-28 to N. M. Joshi from A. Lozofsky. It was withheld and is Exh P 1662 and E.

On 14-12-28 I intercepted letter undated addressed to Workers and Peasants Party Bombay from Executive Bureau Red International of Labour Unions. It was withheld and Exh P 1663 and E are those originals.

On 22-2-29 I intercepted letter dated 5-2-29 to Jawaharlal Nehru from Harry Pollitt. It was photographed and reposted. Exh P 1664 P is the photo.

On 2-3-29 I intercepted letter dated 14-2-29 to Dange without an intelligible signature. Enclosed were also a copy of a letter dated 24-1-29 with a list of particulars annexed. These were all withheld and are Exh P 1665 and E.

On 20-4-29 I intercepted letter dated 27-3-29 to Editor Spark from Willi Munzenberg with enclosures Press Service No 11 of 27-3-29 and a printed letter of invitation to the 2nd World Congress of League Against Imperialism. These were all withheld and are Exhs P 1666 and E.

On 22-12-28 I intercepted letter dated 4-12-28 to Bradley from Mum. I copied it and reposted original. Exh P 1667 C is correct copy.

On 22-12-28 I intercepted letter dated 5-12-28 to Bradley from Len. I got it photographed and reposted. Exh P 1668 P is the photo.

On 18-1-29 I intercepted letter dated Wednesday to Bradley from Hutchinson. It was photographed and reposted. Exh P 1669 P is photo.

On 21-9-28 I intercepted letter dated 5-9-28 to Bradley from Mum. I copied it and reposted original. Exh P 1670 C is the correct copy.

On 1-10-27 I received information that Bradley accused had posted a cover at the General Post Office, and that it could not be intercepted there. I went to the Mole, Ballard Pier, where the letters are sorted, and while examining the London bags I picked up a letter addressed to E. J. Horsman. The name and address were in block capitals but the cover was of the size and colour as other letters which I had censored written by Bradley. This letter was opened and found to be addressed to Mack in block capitals and to contain figures. I got it photographed and reposted. Exh P 1671 P is the photo of that letter.

On the day before a watcher informed me that Bradley had posted a letter on 30-9-27 at a letter box near his hotel, near Apollo Bunder, the Apollo Hotel. I went to the Post box and got the letter extracted. I had the letter photographed and reposted. Exh P. 1673 P is the photo. This was addressed to Asaf and included a snapshot which was also photographed Exh P 1673 P1. I made a report of the interception of these 2 letters which is Exh P 1672.

On 22-2-29 I intercepted postcard dated 3-2-29 to Gangadhar Adhikari from S. V. Sovani. It was photographed and reposted and Exh P 1674 P is the photo.

On 17-9-28 I intercepted letter dated 14-9-28 to Ghate from Spratt. Enclosed was a receipt from Thos Cock and Son for certain luggage. It was photographed and reposted and Exh P 1675 P and PE are the photos.

On a date which I cant at present remember I intercepted a letter dated Berlin 27-2-29 addressed to Miss M. Chattopadhyaya 5 Napier Road. It contained another cover addressed 'for Suhasini'. There were also either in the outside or the inside cover a letter beginning Dear Suhasini, another letter beginning Dear Friend, and a typed article entitled The Role of the Proletariat in the National Revolution over the typed name of Abdul Rahman. The whole was withheld and Exhs P 1676 and P 1676 E1 and E2 are those papers. I dont remember which papers were inside the inner envelope.

On 23-6-28 I intercepted a letter undated to Joglekar from Spratt. I copied it and reposted and Exh P 1678C is correct copy.

On 18-5-28 I intercepted letter dated 2-4-28 to Jawaharlal Nehru from Chattopadhyaya. It was withheld in original and is Exh P 1680 and E.

On 20-7-28 I intercepted letter dated 30-6-28 to Joshi President Textile Workers Union Bombay from Voronov Secretary Textile Workers Union, Union of Socialist Soviet Republic. I copied it and reposted the original. Exh P 1681 is a correct copy.

On 14-12-28 I intercepted letter dated 13-12-28 addressed to Miss Chattopadhyaya from G. Adhikari. It had on the cover 'for S.N.' Inside the cover was a letter to Mrs. Nambiar from Adhikari dated 13th December and another letter from 'Nam' Berlin 22-11-28 to 'My dead Baby.' I copied these both and reposted the original. Exh P 1683 C is the copy.

All the photographs to which I have deposed were taken in my presence.

(Sd.) R. L. Yorke

29-11-30

Continued on S. A.

Refreshing my memory from my report I say that Exh P.1676 was intercepted by me on 16-3-29. The letter and other enclosures were inside the cover addressed 'For Suhasini'.

XXN. By Nimbkar accused. When I went to Usmani accused's rooms at Aga Khan building I asked him to search me and the search witnesses. He did not do so but I showed him whatever I had. Nor were the search witnesses searched.

In the Youth League Conference of 1928 I was present all the days. Mr. I. K. Yadnik was the President of the Reception Committee of that Conference. I dont know him. He was at that time the Editor of the Hindustan, a Gujrati daily paper in Bombay. He is also a scenario writer in cinemas. Mr. K. F. Nariman presided over the conference; he was than a M.L.C. and a practising lawyer in Bombay. The persons present were mostly students. It was in this conference that the Bombay Presidency Youth League was formed. I think Mr. Mehrally was the Secretary of the Reception Committee. On the formation of the League Mr. Nariman became the President for the year and Mr. Mehrally the General Secretary for some time. Mr. B. G. Kher Solicitor was Vice President for some time after the League's formation. I have not myself watched the activities of League. I know A. R. Bhatt who was propaganda secretary of the League. I dont recollect whether I have attended any other meeting of the Bombay Presidency Youth League. The paper shown to me D 587 (in same file as D 510) is a printed copy of Mr. Yadnik's speech on that occasion. (Prosecution object to this document. Relevance is said to



be under section 11 of the Indian Evidence Act. It may stand over).

I cannot today give from my memory the report of the meeting on 4-9-27. The same is true about the meeting on 7-11-27. In P 1684 the portion added about Gandhi and the Passport Act is not in my hand. On the last page there are correction 'they would' and 'might' in the same hand. On page 2 of that report the correction 'to make laws' in place of the words 'in codifying the passport law and' in the Deputy Commissioner's hand, Mr. Jacobs. My Jacobs was not present in that meeting. The correction in regard to Deshbakht on page 2 is in my hand. I dont know shorthand. In Exh P. 1685 the marginal summary of Jhabwala's speech is in Mr. Jacob's hand.

I do not today recollect the matter and details of the Sacco Vanzetti meeting of 27. 8. 27. It was probably Mr. Jacob who struck out the 4 lines in the middle of page 1 of that report Exh P 2311. To Court. The object I think was to cut down my report in order to submit a more concise report to Government. To accused. The change of yesterday into 'on August 27th' is not in my hand. To Court. The addition at the end of Dange's speech is mine. To accused. Almost all the other corrections in the body of the report are of Mr. Jacob.

By Hutchinson accused. I arrived at Khatau building at about 7 a.m in company with a few police constables. I forget how many and the search witnesses. Sergeant Littlewood was not with me. I dont think he was. I got the search witnesses in the building. I found the door padlocked. The padlock was broken and the room opened. I helped in breaking it open. I was not searched by anybody before entering the room. There was no one watching the search in the interests of the owner of the room, that is the accused. The search may have taken about 2 hours. I found some papers sewn up in a cloth handbag and examined them. They were drawings which I could not follow. This sewn up handbag did not contain a number of personal letters dating back 20 years. I dont now recollect how many handbags I opened. I sent the handbag as well as its contents to show how they were situated. I reached the New Spark office at about 8. 45 a.m. I had no difficulty in finding the office. I knew where it was already. I got the search witnesses in the same building. I found the room padlocked and broke it open. I was not searched there either.

I reached 5 Napier Road about 11, probably. The school was not working at the time. I found Miss Chattopadhiyaya there. I told her I wanted to search her residence and not the school. I did so because Hutchinson was visiting that place and sometimes

living there. To Court. I also told her what I wanted to search for. To accused, I asked her to have me searched. I was not searched. At that time Sergeant Littlewood was with me. I don't remember whether I saw any book of English Poetry, or if I saw Palgrave's Golden Treasury.

XXN. For Joshi and others. In the Khatau building search the paper D. 588 was also recovered.

For the purpose of intercepting letter I worked under inspector Desai. The officers who prepare the copies are responsible for checking them. The checking is commonly done by one officer reading out the original and the copying officer checking the correctness of his copy. Both the officers are responsible for the correctness of the copies checked. I don't remember who was responsible with me for the correctness of these copies, may be Mr. Ketkar, or Mr. Kothare or Mr. Desai. With the exception of Exh P 1606 C all the copies were made by me. Exhs P 1614, P. 1615 & P. 1616 C was made by me and checked by Mr. Desai. The address on Exh P. 1643 is the original and not written by me. The words 'must be easier' in margin of P. 1670 C is a suggestion and not a correction. The orders at foot and over the page are of the Deputy Commissioner. I made a note complying with his order. I can not say where the original of that letter is. It may have been passed on but I can't say definitely.

I don't know in whose writing the marginal entry on page 1 of P. 1661 C is. (The original letter (detained) filed with B—1267.) P. 1661 C does not bear my writing on it anywhere. I remember typing the copy but there is nothing on it to show I did it. The entry about 'giving evidence' does not relate to any particular case but is made in sending copy of every intercepted letter. The words in the margin of Exh P. 1656 C "original in 1266-B" are not in my hand. They are cancelled in green pencil. Below is my initial signature cancelled dated 1-10. The note about giving evidence on this report also does not apply to any particular case. To Court. The explanation is that the endorsement was a wrong one and was therefore cancelled. To Counsel. That is my interpretation of the cancellations and not stated from memory. The entry about giving evidence is not made on all documents but on important documents. I don't recollect why the photo of the letter in Exh P. 1673 is in two pieces. I think the envelope of this letter was not photographed. My report Exh P. 1672 relates to both letters. It was I who instructed the photographer to photograph the original of Exh P. 1673. It depends on the Deputy Commissioner whether the envelope is photographed. As a rule photograph of the envelope should be taken along with the letter itself. I can't say why photograph of the envelope of P. 1671 P was not taken. I can't say whether the

note in margin of report Exh P. 1672 was made by Deputy Commissioner before or after photograph was taken. It is not necessary that there should be a copy also of the letter Exh P. 1673 P in my office.

The portion of my report which reminded me that all the letters ect. were inside the inner envelope in Exh P. 1676 is the entry: 'Inside this there is an envelope addressed to Suhasini containing the above letter,' which is to be read with the preceding sentence:

'Note:- In this case the outside cover is addressed to Miss Chattopadhyaya and posted.....'

I dont recollect if besides Exhs P.1671P & P. 1673P, I intercepted any other letter posted by Bradley in Bombay. I got the information about Bradley's posting a letter at the post box from a watcher. It was the watcher's duty to inform me about letters he saw posted by Bradley. Other watchers did inform me about the posting of other letters by Bradley. I used to hunt for such letters. Sometimes I found them and sometimes not. Mr. Hill referred to in P. 1672 is a sergeant. He was to watch a particular place. He was not following Bradley. I never intercepted any other letter written by Bradley at the Mole Sorting Office.

The only document from which I refreshed my memory in regard to the date of interception of Exh P. 1663 was a letter from K. B. Tasadduq Hussain to K. B. Pettigara (shown to Mr. Sinha).

I intercepted Joshi's correspondence because I had orders to do so and not because I thought he was being used as a cover address for others.

I cant say why Exhs P. 1637 to P. 1640 were withheld. It depends on the discretion of the Deputy Commissioner. I cant say from my knowledge of the practice of the department why some letters are withheld, some photographed and some merely copied.

Exhs P. 1684, P. 1685 and P. 2311 are not confidential reports. I submitted a report about every meeting about which I have deposed. My reports about the meetings of 3. 1. 29, 2. 3. 29 and 26.3.29 were submitted in the same way as the above. I was shown Exhs P. 1684 & 5 and P.2311 in the Lower Court. I cant say if my reports of the 3,1929 meetings still exist or not. They may be in my office. I have not seen them since I submitted them. I refreshed my memory of the dates of those meetings from my longhand notes taken at those meetings. Those notes were filed in

my office. The longhand notes for P.1685 were similarly filed. Looking at P.2311 I say that I might have prepared rough notes and filed them in office. So far as I remember there was no shorthand reporter at the meetings of which P. 1684 and 5 and P. 2311 are reports. I cant remember whether newspaper reporters were present at the 6 meetings but they generally are at meetings held in the town, but not at Matunga. I cant now recollect whether I read newspaper reports of those meetings or whether any newspaper report which I read struck me as not being correct.

Sd. R. L. Yorke

2. 12. 30

(At this stage defence were asked if they wanted to cross-examine the search witnesses of P. W 262's searches of Usmani and Hutchinson accused. They replied that they did not. These witnesses P. W's 184, 185, 186 and 223 of the Lower Court are inerefore discharged.)

Sd. R. L. Yorke.

2. 12. 30

Witness Mohanlal No. 112 of Lower Court has so far not been traced though 3 attempts have been made. The defence wanted him with reference to 2 documents D. 504 and D. 505. Prosecution admit the genuineness of these 2 documents: in view of this defence no longer want him and further attempt to servie him need not be made.

Sd. R. L. Yorke.

3. 12. 30.

Continued on S.A. I did not attach newspaper reports of these meetings with my reports. My reports contained a summary of all the speeches delivered at these meetings. I would have no objection to their being filed in evidence if they are in existence. Most of the speeches were delivered in English at those 6 meetings but some may have been in Marhatti. I could follow the Marhatti speeches without any difficulty. My reports recorded the substance of the speeches delivered, in my own language. I was not the only police officer present at the Russian 10th Anniversary meeting. Mr. Desai was also there. I cant now recollect in respect of how many of these meetings I saw advertisements. I dont recollect seeing names of conveners as apart from auspices given in any advertisement or handbill announcing a meeting. I gather information as to the auspices under which meetings were being held from such notices and advertisements. I never attached copies of such notices to my reports.

As regards the letter found with Adhikari accused I got them translated by Mr. Kothare because I did not feel myself qualified to produce a literal and idiomatic translation.

Regarding P. 1688 I dont know the signature Gaphur Hajiz but Murshed Ali told me it was the signature of the man who took delivery of the goods from him.

I made no search list of Abid Ali's search. It was under the Sea Customs Act and no search list or search witnesses were necessary. I was present assisting the Customs Officers in the search. I am often called to help when they select a vessel for search for arms etc. I had no previous information about this Abid Ali. The search was I think conducted by Mr. Clarke, who was I think a witness here. I cant say whether the correspondence of Mr. Karanth was intercepted about that time. No statement of Abid Ali was recorded at the time of the search. All the crew were searched on that occasion.

In the case of Abdul Hakim's search we had previous information. Some other members of the crew were also searched on that occasion.

I saw Ajudhia Pd in Bombay between the time he made the complaint and the time I saw him in the Lower Court at end of June 1928. I dont remember if I saw him after June 1928.

By other accused. NIL.

REXXN. There is an explanation about the entry in margin of page 1 of P. 1561 C. In some cases the original is sent to Government and then the filing officers makes entry like this. Subsequently on the receipt of Government's orders the intercepting officer endorses the original of his report according to the orders of Government. From the endorsement in left hand bottom corner of my report P. 1661 A I can say that the original was returned under Government's orders in this case on 15. 12. 28. The original of P. 1670 C is at any rate not in the Deputy Commissioner of Police's office at Bombay.

Read and admitted correct.

Sd. R. L. Yorke

3. 12. 30

On S. A. Supplementary question by Mr. Sinha with permission of Court. Reposting actually means returning letters to the postal authorities from whom they are received. In rare cases this was

done by me personally but usually they were returned by the hand of a special police constable. That was the ordinary practice in my office. I was not present and took no part in the search of the house of Amir Haidar Khan on 20. 3. 29 conducted by Mr. Savant. I had gone to Murshed Ali in search of Amir Haidar and inquired from him and he then produced this letter Exh P 1688 and gave it to me. I had no warrant for the arrest of Amir Haider with me at the time. It was about 2 months after the 20th March. I went to make inquiries about Amir Haidar under orders from the Deputy Commissioner.

Mudkatte was not arrested. He was never kept in the lockup. I took a statement from him and recorded it. It was taken in my office in Criminal Intelligence Department. It was probably on same day as the search or the next day. At the time of search I had asked him to come to the office. No other officer assisted me in that search. I did not myself make any inquiry about Mudkatte before the search. I dont know if any inquiries were made. I dont recollect whether I ever came across the name in the course of my duties.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke

3. 12. 30.

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## P. W. 263

*Mr. T. A. Croning on S. A. No. 201 in Lower Court.  
In English.*

I am a Sub Inspector of Police in Bombay in Special Branch. In the course of my duties I have had to intercept letters. On 17th October 1927 I intercepted the document Exh P. 1867. It is one of 3 copies of the same document which were in an envelope addressed to S. V. Ghaté accused. All 3 copies were detained and subsequently the other 2 and the envelope were destroyed and this one retained.

Shown document Exh P 1007: I have seen this letter before. I wanted copies of P 1007 to send with the letter Exh P 1007 A and asked my Inspector. He ordered that a photograph should be taken and a photograph was taken in my presence. This is one print Exh P 1007 B. (Objection taken by Mr. Sinha, to secondary evidence of a document of which the original is on the record). The letter P 1007 A is in the Deputy Commissioner's handwriting but the postscript and the marginal note at the bottom is in my hand. Exh P 1007 A is the draft letter or office copy. My note 'issued' means that the fair copy of Exh P 1007 A was despatched. The photograph duly followed when ready.

XXN. For Joshi and others. At date of P 1007 A I was in the Special Branch. I had nothing to do with Exh P 1007 beyond getting it photographed and attending to the despatch of the letter. The photograph does not bear my signature. I did not initial the negative or any of the prints. Beyond the reason I have given I dont know any reason why P 1007 was photographed. I dont know whose initials are in the top right hand corner of P 1007. The order photograph 3 copies in top left hand corner is in the Deputy Commissioner's handwriting. The letter was photographed by the official Special Branch photographer, Naoroji by name. 'Issued' does not mean that the letter Exh P. 1007 was issued to the photographer to photograph but that the letter P1007 A was issued.

The record in the Lower Court that I said the remaining 2 copies of P 1867 were reposted is probably a mistake. Mr. Mitter Assistant Public Prosecutor asked me if they were reposted and I said they were destroyed. I submitted the cover with all 3 copies to my Inspector. The Inspector gave me the order to withhold the packet. Later on I got an order to destroy 2 copies and the cover. That was a year or 2 after. My Inspector Mr. Desai gave me the order.

By other accused. NIL.

REXXN. It is an order that applies to all papers in files deemed to be unnecessary, namely to get rid of unnecessary papers. I dont remember a specific order from Mr. Desai. Such orders used to be given and I assume there was such a one. The matter of destruction of the envelope was explained by me in cross-examination in the Lower Court.

Read and admitted correct.

Sd. R. L. Yorke

3. 12. 30.

*Mr. N. S. Mudkatta on S. A. New witness. In English.*

I have been living in Bombay 16 years. I know S. V. Ghaté accused. I was living in Sri Krishna Lodge Boarding House in Bombay when I met him. That is he in Court. It was in 1916 or 1917. One day in 1927 he came and asked me if he might use my address for his letters. He said he was not getting his present letters as the Bombay police had discovered the address to which his letters had previously been coming, namely Dr. U.B. Narainrao. My address was Wharf Superintendent's office, Sewri Bandar. It is Bombay 15. I agreed and subsequently a letter did come addressed to me in which when opened I found the name Ghaté on another envelope. I delivered the letter to him. About a month after I received an article by book post addressed to me. The stamp of the letter was I think of France. There was a 2½ penny British stamp on the book post article. Inside the book post parcel was a printed book something about Revolution or Communism which I had not ordered. I don't remember the title exactly. I handed it to him and asked Ghaté, if it is for you don't use my address again as I don't want to take any part in politics. I never received anything more. Exh P 2327 photograph was in my house and was taken in a search made by police in August 1929. Ghaté is in the middle of it. I come from Mangalor capital of the South Canara District. I came to know that Ghaté came from there at Sri Krishna Lodge. I also came to know through Ghaté that Narainrao came from that side.

XXN. For Joshi and others. The photo Exh P 2527 was taken some 10 years ago. Ghaté was then a student. I agreed to Ghaté's request because I saw no harm. I did not open the inner letter to read its contents. It came in the 1st half of 1927. I know nothing about Communism, nor have I cared to know what it really means. The search warrant for my house was shown to me. I was much frightened on seeing it. I was asked after that to go to the C. I. D. office. I was not so much frightened there. I was there about 1½ hours. They asked me many questions and I told them whatever I knew. I was not threatened. I was in the office all the time. My office was also searched as well as my house. My statement was taken at the Deputy Commissioner's office. I was examined by the Police only once. Before the search no police officer ever came to make any inquiry of me. I never mentioned having given permission to Ghaté to use my address to anybody. The letter which I received came about a month after I gave the permission to Ghaté. Ghaté was unemployed at the time when he asked me. I still used to meet him occasionally after I stopped



receiving his letters. I go to office at 9 and reach there before 10. There are 25 or so clerks in my office. Postman comes and distributes the letters to the different clerks. I have always been frightened of taking part in politics as I want to serve in the railway. I did not warn Ghate at the beginning not to get objectionable letters sent to me. I was not frightened at his mention of the police in connection with his letters. I did not care to read any portion of the book which came to me.

By other accused. NIL.

REXXN. All the dates I have given are purely from memory. I don't exactly recollect any of them.

Read and admitted correct.

Sd. R. L. Yorke

3. 12. 30

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## P. W. 265

*Murshed Ali Khan on S.A. No.187 in Lower Court. In Urdu.*

### Memorandum.

I have been living in Bombay about 24 years, in Madanpura. I know one Amir Haidar Khan who was my tenant, in no. 12 Ghelabhai St. on the 2nd floor in room number 19. It is in Rahimu Seth's Chawl. When I knew Amir Haidar Khan he wore a moustache. Exh P. 1067 is a photograph of that Amir Haidar Khan. He resided in that room some 5 or 6 months. I saw him for the last time on the day on which his room was searched. People usually called him Khan. The rent of the room was Rs. 10 p. c. There is another tenant in it now, since about 18 months. Some 20 days after the search a boy came to me from Amir Haidar Khan with a letter which he said he had brought from Amir Haidar Khan. Exh P. 1688 is that letter. The boy's name was Ghafur. I came to know his name when I took his signature on the back of this letter. I took it because he took away all the things in the room. The name Ghafur Aziz (Hajiz) and date was written by that boy. On the authority of this letter I gave the property to the boy. The half erased writing was not there when I had the letter. I gave the letter to my firm whose servant I was. Later when

Sub Inspector Chaudhri of the C.I.D came and questioned me I told him about the letter and he took it. The word 'bharawala' I did not see in the letter when I got it.

XXN. For Joshi and others, I did not know that boy before. At that time 2 months rent was owing. I cannot read English at all.

Read and admitted correct in Urdu.

Sd. R.L. Yorke

3-12-30

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## P. W. 266

*Sergeant R. K. Hampton on S. A. No. 89 in Lower Court.  
In English.*

I am a Sergeant in the Bombay City Police. On 20-3-29 I searched the house of Mrs. Suhasini Nambiar, acting on search warrant Exh P. 867. The house is 5 Napier Road Bombay. It was a room in that house which I searched. I had 2 search witnesses a Mr. E. Boges Almeida and another. I prepared a search list which is signed by me and by the 2 witnesses and correctly records the articles found and seized. It is Exh P. 868. Both the documents were initialled by me and by the witnesses. Exhs P.869 and P. 870 and P. 870 E were found in that search.

XXN. For Joshi and others. Mrs. Nambiar was not present at this search. The premises are those of a school. I search the premises occupied by Miss Chattopadhiyaya.

By other accused. NIL.

REXXN. Miss Chattopadhiyaya was present through out the search.

Read and admitted correct.

Sd. R. L. Yorke

3-12-30

E. I. Borges. Almeida on S.A. Tendered by the prosecution for xxn. No. 90 in Lower Court. In English.

Defence have now decided not to cross-examine this witness who was detained from yesterday. He is accordingly discharged.

Sd. R. L. Yorke

4-12-30

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## P. W. 138

*Abdul Aziz Jailor on S. A. XXN in chief continued.*

The original of Exh P 2270 P was written by Dharni Goswami accused. The letter shown to me (postcard) Exh P. 2271 was written by K. L. Ghosh accused. The letter shown to me Exh P. 2272 was also written by K. L. Ghosh accused. The authority Exh P 2272 (1) was also written by Ghosh accused. The originals of the letters Exh P. 2273 P & P 2274 P were written by Gopal Basak accused.

The original of the letter Exh P 2279 was written by Bradley accused.

The originals of the letters Exhs P 2280 and P. 2281 P were written by Ghate accused.

The originals of the letters Exhs P 2282 & P 2282 (1) were written by Jhabwala accused. The originals of the 2 letters Exhs P 2284 and P 2284 (1) P were written by Joglekar accused. They are both signed by Alwe accused also.

The originals of the letters Exhs P 2285, P 2285 (1) and P 2285 (2) P were written by Mirajkar accused.

The originals of letters Exhs P 2286 and P 2286 (1) P were written by Nimbkar accused. (Nimbkar accused objects that the addressee of P 2286 Mr. Paugarkar had not the definite information nor the opportunity to find out the original according to the notice and therefore the secondary evidence should not be admitted. The notice bears his signature and the information conveyed therein appears to me to be adequate. As regards opportunity I have

no information as to whether Mr. Pangarkar has had opportunity or not. He is said to be out of Jail now. He has not chosen to give the reply that he had no opportunity of tracing the letter so I must assume that he is not in possession of the letter.)

The original of Exh P 2287P was written by Shaukat Usami accused. The originals of Exhs P 2283 and P 2289 P were written by Adhikari accused. The originals of P 2290 and P 2290 (1) P were written by Desai accused. The originals of Exhs P2294 and P 2295 P were written by Joshi accused. The original of Exh P 2299 P was written by M. A. Majid accused. The originals of Exhs P 2300 and P 2301 P were written by S. S. Josh accused. The original of Exh P 2268 P was written by Spratt accused. I can identify the 16 accused whose handwriting I have recognised. (Witness wrongly identified Chakravarty as Goswami, and Banarji as Joglekar, Spratt and Adhikari and Mirajkar and Ghosh absent. Rest identified correctly. Apart from the conspiracy case accused I was not having letters written in my presence by any other accused in those days. There was no other prisoner called Dharni Goswami or Joglekar in the jail at that time. My signature appears on all the original letters and in all the photos of letters shown to me. The original letters of which those are the photographs were all written in my presence. Q. Did the writer in each case put his signature on these letters in your presence? (Mr. Sinha objects to this as a leading question). Answer: Yes.

XXN. For Joshi and others. I said in the Lower Court that the rule in the Jail manual is that if a prisoner can write he should write his letter in the presence of a jail official and if not a jail official should write it for him. The practice was that the letters of other prisoners were written in the presence of other officials and those of the conspiracy case accused in the presence of the jailor. There was no special order requiring conspiracy case accused to write their letters in the jail office. They could write them in their own barracks. No special time was fixed for writing letters. After some time I was given assistance but for the last 4 or 5 months I used to go and get the letters written in my presence. So far as I know no letter was written by any conspiracy accused from jail as long as I was the jailor except in my presence or that of my assistant. None of their letters was sent out without my endorsement or latterly my initial signature or that of my assistant. The endorsement was 'written before me'. By latterly I mean after 3 or 4 months. The endorsement was written at the same time and place as the letter was written. So far as I know the endorsement was always written then and there. I cant explain the discrepancy between the date 25th March on the letter Exh P 2282 (1) P and the date 26th of my endorsement. Possibly I made the mistake or

Jhabwala accused made a mistake. In Exh P 2282 P a portion of my signature is visible above the name of the addressee in the opening sentence of the letter. I have no regular rule about writing the date above or below my signature. The portion of my signature does not appear to be a part of a date. In Exh P 2290 P the endorsement 'written before me' does not appear. The date on this with my signature may be and appears to be 9th April. The date given by the writer is 8th. It may be his mistake or mine. Exh P 2287 P also does not bear the endorsement 'written in my presence.' It is not correct to say that those letters which bear the endorsement were written in my presence and those which do not bear it were not written in my presence. When I was in a hurry and there was a rush of work I merely initialled the letter. When I had time I wrote the full endorsement. In some letters such as P 2268P and P 2273P I endorsed 'written before me' and my initials but did not put the date. The explanation is that there was a date in the letter and my dating it was unnecessary.

The signature of Alwe in Marhatti on Exh P 2284 P was made by him in my presence I am sure. (Witness identified Alwe accused). I used to give the letters to a peon to take to the Superintendent's bungalow. Sometimes I got his signature in the Jail and sent them direct to the post. I did not actually post them myself. I dont remember letters ever being given to me without an addressed envelope. No register was kept containing the particulars of letters sent, about any prisoner. I dont know of any rule in the Jail manual that particulars should be kept of letters written by prisoners. I came to recognise all the accused as soon as they were brought into the jail. I cant possibly say which of these letters were sent direct to post and which sent to Superintendent's bungalow. I did not see any of these letters photographed. Nor did I know anything about it till I saw the photographs in the Lower Court. I know Colonel Rahman's signature and initials. I see his initials on Exh P 2287P only of all these letters. See P. 1

By Nimbkar accused. I dont remember the dates on which the accused were admitted to the Meerut Jail. I remember that Chaman Lal did come at some stage to interview the accused. I dont remember whether I took him and another Chaman Lal Editor of the Hindustan Times to the accused's barrack for interview. During the interview the Superintendent of the Jail arrived, Colonel O'Neill, accompanied by Mr. Horton. K. B. Tassadduq Hussain also came but I cant say if it was on that occasion. Whatever prisoners of this case were there were free in the barrack. I cant say whether the Superintendent was angry. The Superintendent went away with all the visitors leaving me there. That evening by the Superintendent's direction all the accused were kept in separate cells. I dont remember if before that incident the accused had been

asking for permission to write letters. I dont remember whether after that incident I gave permission to write letters. I can only say that the original of Exh P 1186P was written in the Jail. I cant say where in the Jail. Nor can I say where in the Jail Exh P 2286 (i)P was written. It is a permanent order for the Jailor to sign or initial letters of prisoners. It is done partly by the Jailor and partly by other officials. In the case of the Conspiracy Case prisoners there was a special order that they should be signed by me. I cant say if that was after Chaman Lal's visit. I cant say when I first began to send accused's letters to the post office. I cant see any postmarks on any of the photographs shown to me. I said in the Lower Court that I did not remember whether Nimbkar had written any letter besides Exh P 2286 which I had initialled. I no doubt said in the Lower Court that at first we got the letters written in our presence afterwards paper was given and the accused wrote, because the number of letters had become too great, and the letters were read afterwards. I said in the Lower Court that Tasadduq Hussain was with Mr. Horton when he came with Colonel O'Neill. No doubt my memory was fresh then. I cant identify the handwritings except from the presence of my signature and the writer's name on the letter. I knew all the accused by sight at the time of these letters and got the names from the letters. I cant say how many letters used to go from the accused daily at the beginning, 5 or 10 from the lot of them. Nimbkar may have written P 2286 in 10 or 15 minutes. I used to give the bulk of my time to these accused. I gave to the letters as much time as they took. Later on B. Jawala Pershad used to see the letters. Bengali and Marhatti letters used to be read out by the writer and checked through some prisoner in the office. I dont know if accused's letters were sent in a sealed packet to Garden House Police office. I used to send objectionable letters to the Superintendent's Bungalow and he sent them where he thought fit. Accused were in cells 15 or 20 days or a month. They used to converse to one another. The keys of the cells used to be with the warder in charge of the barrack. The cell doors used to be open and accused used to come out often and together and converse. It is not a fact that accused were kept 24 hours in cells with only half an hour for bath or writing letter etc. At the time of Chaman Lal's visit all accused were in barrack number 6, in which there are no cells. After that they were put in no 4 and 5 in which there are cells. After sometime they were divided between barracks 11 and 1. Some 3 or 4 accused were also in barrack 4 and 2 in barrack 2. There are no cells in nos 1 and 11.

By Joglekar accused. Jhabwala accused was kept along in barrack 7. It was at his own request. Bradley was kept alone in a factory, and Spratt separately near hospital. Muzaffar Ahmad

was in the hospital. Accused in the beginning wrote their letters in their cells. (Series of questions in regard to time taken by the Jailor over his duties. Not required in memorandum). In P 226SP I have signed both pages. I did not initial paper which I gave to accused but I used to number the pages, given and sometimes give without numbering, but I kept an account. I cant say why I put my initials twice on P 2268. I dont remember whether this letter was one sheet and the photograph is of the front and back. Besides these accused I was also at that time looking to the other important work of the jail. The writing material was supplied by the jail department at the beginning. Accused were allowed to retain their fountain pens. I dont remember if the accused sent me chits whenever they wanted me. I never had orders to send accused's letters to Mr. Horton. I ~~said~~ in the Lower Court that objectionable letters were being sent to Mr. Horton. That was being done under the Superintendent's orders. He gave the order I used to be present at all interviews of accused at the beginning. They used to have very long interviews with their counsel.

By Gauri Shanker accused. Gauri Shankar accused used to come frequently to the Jail in 1927 or 1928 to get power of attorney for the prisoners of the Garhmuktésar riot case.

By other accused. Nil.

REXXN. The accused were to be given writing material for 3 or 4 months after they came. After that they had liberty to keep such paper as they wanted for defence purposes.

Read and admitted correct in Urdu.

Sd R. L. Yorke

4-12-30

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## P. W. 267

*Mr. J. M. Pereira on S. A. New Witness. In English.*

I am and was in 1925 clerk in the P. & O. Co., Passage Department Bombay. Shown Exh P 1496. This printed list is made up from the berthing plan and is the final list made up on the

Friday night previous to sailing of those who sailed in S. S. Razmak from Bombay on Saturday 10th April 1925. I produce the berthing plan, the original kept in the office for record. Tendered and marked Exh P 1496A Mr. Glading's was berth no. 217 Second Saloon. The entry of Mr. Glading's name was made in the 1st instance by Mr. Hill who is not now in our office. It was then cancelled and finally written again by Mr. Smith. Both Mr. Hill and Mr. Smith were assistants in the passage department at that time. I also produce the 2nd Saloon single ticket book. Counterfoil No. 14821 dated 28-3-25 marked Exh P. 1496 B shows that Thos Cook & Sons had booked a passage for Mr. Glading on that date. The red line down the page shows that Mr. Glading's name was entered in the final ships passage list of the Razmak for account purposes. The blue tick mark in the berthing plan further shows that the passenger named in fact travelled.

XXN. For Joshi and others. If Mr. Glading came to Bombay by P & O Steamer there must be a record in our office. There is nothing in these papers to show whether Glading had a banking account with Cooks. The then Viceroy travelled by the Razmak on that voyage. I cant say whether there was any special serutiny of the passengers in that ship. A rough copy of the passenger list is always sent to the Criminal Intelligence Department a day or 2 before the ship sails. A copy is also in the hands of the Police at Ballard Pier station on the morning of sailing. I cant say on what date the first entry of Mr. Glading's name was made in this list. I cant explain the cancellation and second entry of Mr. Glading's name. In the ordinary course the entry of his name would have been made several days before 28th March.

By other accused. Nil

REXXN. NIL.

Read and admitted correct.

Sd. R.L. Yorke

5-12-30



## P. W. 268

*Inspector Syed Ahmad on S.A. No. 79 in Lower Court. In English.*

I am City Inspector of Police, Ajmer. I know one R. S. Nimbkar. That is he, pointing him out. On 20-3-29 I arrested him, acting on warrant Exh P. 770. I was accompanied by the Deputy Superintendent, Sardar Bahadur Kishen Singh. I arrested Nimbkar accused at Arjun Lal Sethi's house. I searched his property at the time. I had with me search witnesses Chand Mal and another. Exh P 771 is the search list which I prepared. It is correct and signed by me and the witnesses and the accused also, and by the Deputy Superintendent. It correctly records what was found and seized. Among the articles found was Exh P. 773 which is signed on the back by accused and initialled by the Deputy Superintendent. There was no search warrant. This was personal search.

XXN. For Joshi and others. I have 16 years service and 3 years as City Inspector. I know a man called J. P. Begerhota, since more than 4 years. I had no official dealings with him. He came to Beawar to reside and so I came to know him. I was in the Criminal Intelligence Department formerly at Mt. Abu. It was before I met Begerhota. I never met him in the C.I.D. office. I know Arjun Lal Sethi well. He is a well-known Congress leader in Ajmer.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R.L. Yorke

5-12-30

Mr. A. J. Saldanata. No. 177 in Lower Court. Mr. Sinha objecting to the evidence of this witness, the prosecution withdraws him and merely tenders him for XXN. No one wishes to cross-examine him and he is accordingly discharged.

(Sd) R. L. Yorke

5-12-30.

## P. W. 269

*Deputy Inspector B. G. Chawan on S. A. No 196 in Lower Court. In English.*

I was in Bombay between 1927 and 1929 in the Criminal Intelligence Department. It was one of my duties to intercept letters.

On 1-2-29 I intercepted a letter dated 14-1-29 to J. Adhikari from Raymond, Berlin. It was withheld and Exh P 1825 and E are the original letter and envelope.

On 24-11-28 I intercepted a letter dated 24-11-28 to Mrs. Bradley London from Ben. I had a photograph taken of it which is Exh P 1826 P and PE. The original was returned to the post.

On 17-3-28 I intercepted a letter dated 17-3-28 addressed to Mrs. Bradley, London from Ben. I made a copy of it and returned the original to the post. Exh P 1827 C is a correct copy of the letter.

On 26-3-27 I intercepted a letter dated 26-3-27 I had been deputed to the general post office, to watch if Mr. Spratt posted any letter. I saw him drop in a letter and I pointed it out to the postal authorities there and got it from them. I took it to Criminal Intelligence Department office and gave it to my Inspector. A copy was made of the letter and enclosure Exh P 1828 C and I compared this with the original and found it correct. The cover was addressed to Secretary Labour Research Department Buckingham Palace Road London. Exh P 1828 EC is a copy of the cover which I compared with the original. The original was reposted.

On 5-3-27 I intercepted a letter dated 5-3-27 to Harry Howell, Hampstead, London from Des. The usual box closes at 11 and shortly after 11 he went to the postal clerk and got a letter weighed for a late fee stamp. He then went to stamp vendor and after that went again to the postal clerk and handed over the letter. He then went away and I pointed out the letter to the postal authorities and got it. Exh P. 1829, with enclosure P 1829 (1) figure cipher and cover P 1829E is that letter and its contents. Exh P 1830 is a list of books handed over by me to accused Mirajkar; he himself wrote and signed the list in my presence. Exh P 1830 S is his signature.

On 3-2-29 I was present at a meeting at Peoples Jinnah Hall Bombay of the Youth League. Shaukat Usmani accused presided

and Hutchinson accused spoke. I identify both. The speech was on 'The Road to Insurrection.' Mr. Mankar was present reporting the meeting. He brought his transcription Exh P 1694 to me subsequently while the matter was still fresh in my mind. I read it through and found it correct. At that meeting Mirajkar accused was present and Ghate accused (identified by witness.)

XXN. For Joshi and others. Probably every mail day some one was deputed to watch whether Bradley or Spratt posted letters, at the General Post Office. Spratt was followed by a watcher when he came, on both these occasions. He was deputed by the Inspector, Mr. Desai. Whenever I got letters I took them to Inspector Desai myself. I was myself deputed to watch Spratt at the General Post Office. I don't remember intercepting any other letters of Spratt or Bradley accused at the General Post Office. Probably Exh P 1828C was not typed on a form like P 1827 C because there were no forms available. I can't say whether the heading copy on P 1828 C means that this was a copy made from another copy made on the proper form. There is no signature or initial or note of anyone in my office on Exh P 1828C. I say that this letter was reposted from memory. There is no note written by me to show that it was reposted.

I handed Exh P 1825 and P 1829 series to Inspector Desai. In the case of Exh P 1829 (1) a copy was made by Inspector Desai which I dictated to him. This document is the original. I remember the document. The copy which was made must be with the record.

Inspector Desai was also present at the Jinnah Hall meeting. I don't know whether Inspector Desai went through Mr. Mankar's transcription. There is no signature of mine in the print Exh P. 1826P, and PE. Original letters withheld are not initialled by any officer. The notes about the document are contained in the report which is submitted with every intercepted document.

By Joglekar accused. I have 29 years in Police.

By other accused. NIL.

REXXN. In the report from which I refreshed my memory (shown to Court and Mr. Sinha) there is an order of Mr. Jacob: Return to post dated 1-4-27. Below is a note of Inspector Desai: Returned and done as instructed, dated 1-4.

Read and admitted correct.

(Sd). R. L. Yorke

5-12-30

# P. W. 270

*Inspector A.E.B. Murshedi on S.A. New Witness. In English.*

(Prosecution states that this witness is to prove certain inquiries made in consequence of the discovery of Exh P 674 and their result namely the discovery of Exh P 2186. This is tendered in consequence of doubts cast on the genuineness of P674. Mr. Saha objects that this is new evidence tendered at a very late stage after the defence have disclosed their case in regard to Exh P 674. It seems to me that it is my duty to receive evidence which goes to clear the situation as to the genuineness of a particular exhibit even at this stage. If the examination and cross-examination of this witness leads to a necessity for further examination of any of the witnesses relating to P 674 that witness or those witnesses can be recalled on the necessity being established.)

I am offg. Inspector in the Calcutta Police, Special Branch. In April and May 1929 I was a Sub Inspector in the Special Branch. I found the telegram Exh P 2186 in the Telegraph Check office and took charge of it. I searched for it in consequence of a telegram received in our office from Mr. Horton. This is it Exh P 2186 A. On finding Exh P 2186 it was sent to Meerut. It was the only telegram of that sort which I could find. I found the telegram on 24th June 1929 and sent it to Meerut on 12th July. P 2186A bears the signatures of the Deputy Commissioner, Assistant Commissioner and other officers. I produce it from my office file.

XXN. For Joshi and others. I was serving in Calcutta the whole of 1929 and the 1st half of 1930. I was never summoned in the Lower Court in this case. Exh P 2186A was received by the Deputy Commissioner of Police. It contains a reference to a letter from the Deputy Commissioner Special Branch to Mr. Horton. I have never seen that letter or a copy of it. The name B.F. Bradley on the telegram is in the handwriting of one of the clerks in our office. S.I.G.B. Roy was first entrusted with this search but afterwards I took it up as he had other work. The order deputing him to this search is signed by the Assistant Commissioner of Police. There is no order on the telegram itself deputing me to make the search. I did not receive any instructions as to how it was to be done carefully. The note saying that Chief Presidency Magistrate's order is necessary is in G.B. Roy's hand. Such an order was obtained and handed in to the Telegraph office and it was on that order that I gave a receipt for the telegram when I found it. The order was to search for a particular telegram from among telegrams bearing a date in the period covered by the order.

I searched the whole of the Bombay telegrams of that period. I dont know if my office had any previous information about that telegram. I made over P 2186 to my Assistant Commissioner of Police. S. I. G. B. Roy was also I think present when P 2186 was found by me.

XXN. By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd/ R.L. Yorke.

6-12-30

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## P. W. 271

*Sub Inspector S.V. Ketkar on S.A. No. 194 in Lower Court. In English.*

I am a Sub Inspector attached to the C.I.D. in Bombay. I know the accused Nimbkar. I searched his room at Contractor Building No 2 in Bombay on 20-3-29 acting on warrant Exh P 1738. Nimbkar accused was not there and the room was locked. I found one Mr. Karhadkar sleeping in the gallery in front of the door. He said he had charge of the room and had the key. We told him we wanted to search the room and he produced the key and opened the room. Before opening the room I had called 2 search witnesses R.S. Pinge and another. I prepared a searchlist of the documents found there and seized. It is Exh P 1739 and is signed by me and the witnesses and correctly shows what was found and seized. Some of the documents were signed by me and some by my assistant Kawedekar. In the course of this search the following documents were found: Exhs P 1740 to P 1745, P 1747 to P 1765, P 1767 to P 1792, and P 1794 to P 1796. In addition to these the following were also found, Exhs P 1796 (a) to (e).

In the course of my duties I had also to intercept letters.

On 25-11-28 I intercepted a letter dated 17-11-28 to Editor Krante c/o S. A. Dange from D.K. Goswami. I copied it and put it up for orders. I then had it photographed and Exh P 1797 P & PE is the photograph. The original was reposted.

On 29-11-28 I intercepted letter dated 26-11-28 to R. B. Lotwala from Muzaffar Ahmad. Under orders I got it photographed and Exh P 1798 P & PE are the photographs, the original was re-posted.

On 21-3-29 I intercepted a letter postmarked Allahabad 19-3-29 to S. V. Ghate from P. C. Joshi. It contained 2 enclosures one addressed to Nimbkar accused and the other headed private. The whole was withheld and the originals are Exhs P 1800, P 1800 (1), (2) and E.

On 4. 12. 28 I intercepted letter dated 1. 12. 28 to Secretary Workers Peasants Party Bombay from D. K. Goswamy. It was photographed and re-posted. Exh P 1801 P and PE are the photographs.

On 25. 3. 29 I intercepted letter dated 1. 3. 29 with enclosures to Jhabwala with inner cover addressed to Bradley from the Sectt. Pan Pacific Trade Union Conference 2 pamphlets were enclosed. It was withheld and the originals are Exhs P 1802, (1), (2) and E (1) and E (2).

On 5. 4. 29 I intercepted letter dated 14. 3. 29 to S. A. Dange from Sectt. Pan Pacific Trade Union Conference. There was an enclosure, a cyclostyled copy of the Far Eastern Bulletin. The whole was withheld and the originals are Exh P 1803, (1) and E.

On 29. 3. 29 I intercepted letter dated 20. 2. 29 to Jawahar Lal Nehru from Willi Munzenberg and V. Chattopadhiyaya. The originals were withheld and are Exhs P 1804 and E.

On 17. 5. 29 I intercepted letter dated 30. 4. 29 to Jawahar Lal Nehru V. Chhattopadhiyaya Secretary League Against Imperialism. The original with enclosures (rejected) was withheld and these are Exhs P 1805 and E.

On 2. 12. 28 I intercepted a letter dated (apparently incorrectly) 1. 11. 28. to a Miss Moconville from Jack. I received information that Mr. Jack Ryan had been seen posting this letter and got it extracted from the box. The letter was photographed and re-posted. Exh P-1806 P and PE are the photographs.

On 28. 12. 28 I intercepted letter dated 13. 12. 28 to Dange from A. Glyn Evans with an enclosure purporting to be a copy of a previous letter. The originals were withheld and are Exhs P 1807, (1) and E.

On 28. 12. 28 I intercepted letter dated 10. 12. 28 to Jawaharlal Nehru from Harry Pollitt. It was photographed and re-posted. Exhs P 1808 P and PE are the photos.

On a date which I dont remember I intercepted letter dated 18. 3. 29 to B. F. Bradley from Harry. Exh P 1809 and E are the originals. They were withheld.

On 16. 3. 29 I intercepted letter postmarked 15. 3. 29 to N. Nambiar Berlin, Germany from B. Enclosed was a letter to My dear Nambiar, signed L, and headed Khär. The whole was photographed and reposted. Exh P 1810 P is a photo of the enclosure signed L and PE is photo of the envelope.

On 30. 11. 28 I intercepted letter dated 14. 11. 28 to Suhasini-c/o Miss Chattopadhiyaya from Nam. It was copied in my presence and compared and found correct Exh P 1811 C is the copy. The original was reposted. On 1. 12. 28 I intercepted letter dated 1. 12. 28 to Mrs Bradley London from Ben. It was obtained because Bradley was seen posting it. It was photographed and reposted. The photograph is Exh P 1812 P and PE.

On 7. 12. 28 I intercepted letter dated 20. 12. 28 to B. F. Bradley from Mam. It was copied and reposted. Exh P 1813 C is a correct copy.

On 7. 12. 28 I intercepted letter dated 22. 11. 28 to Bradley from J. E. Potter Wilson. It was photographed and reposted. Exh P 1814 P and PE are the photographs. On 14. 12. 28 I intercepted letter dated 28. 11. 28 to Bradley from Mam. I copied it and Exh P 1815 C is a correct copy. The original was reposted.

On 22. 2. 29 I intercepted letter dated 5. 2. 29 to Bradley from Mam. I made a copy and Exh P 1816 C is a correct copy. The original was reposted.

On 5. 4. 29 I intercepted letter dated 19 3. 29 to Bradley from Mam. It was withheld and Exh P 1817 and E.

On 22. 3. 29 I intercepted bundle addressed to Editor of Spark containing 27 numbers of Inprecor, between 30th July 1928 and 12th December 1928. These were withheld in original and are Exhs P 1818 and E.

On 22. 3. 29 I intercepted packet addressed to S. A. Dange containing copies of the Worker, Sunday Worker and Worker's Life. These were withheld, and are Exhs P 1819 and E.

On 22. 3. 29 I intercepted cover addressed to Dange containing Press Service no 7 of the League Against Imperialism. These were withheld and are Exhs P 1820 and E.

On 22. 3. 29 I intercepted a cover addressed to S. V. Ghatge containing same as P 1820. These were withheld and are Exhs P 1821 and E.

On 22. 3. 29 I intercepted packet addressed to Editor Kranti Bombay, containing the Labour Monthly for March 1929. It was withheld and is Exh P 1822 and E. On 22.3.29 I intercepted packet addressed to Workers and Peasants Party Bombay containing 2 issues of Red International of Labour Unions Bulletin, headed International Labour movement dated 7. 2. 29. These were withheld and are Exhs P 1823 and E.

On 22. 3. 29 I intercepted another packet to same address containing another Red International of Labour Unions Bulletin headed Eastern and Colonial. It was withheld and is Exh P 1824 and E. In all cases where I have proved photographs I had the photographs taken in my presence. Where I have proved copies I either made them myself or had copies made which I subsequently compared. They are all correct.

XXN. For Joshi and others. I don't know anything about Mr. Karhadkar and made no inquiries about him. I made no inquiries how long Nimbkar accused had been away. Karhadkar said he had been staying there himself for about a week. He only gave me key of room at first and afterwards the keys of the boxes. I returned those keys with the boxes to Mr. Karhadkar after search was over. There were 2 or 3 boxes there. Karhadkar said he was staying in Nimbkar's room but sleeping outside because of the heat. There were other rooms adjoining that room. People were occupying those rooms. I made no inquiries from the tenants of those rooms. I did not ask Karhadkar to sign the searchlists. He was not a search witness. Besides the police party and search witnesses and Mr. Karhadkar no one else was present at the search. We finished the search at about 3.30 P.M. Karhadkar did not during that time ask permission to go away to his office. I searched all the books and papers in that room and all the boxes. There were some reports about the Indian National Congress in one of the cupboards. There were newspapers and other books which I did not seize. I am still posted in Bombay. I have never met Mr. Karhadkar again. I don't know if he is in Bombay. In this search the following documents were also recovered: D. 589 to D. 599.

In the work of interception of letters I was working under Inspector Desai. If he was in office I submitted intercepted letters to the Deputy Commissioner through him.

By other accused. NIL.

REXXN. NIL.

Read and admitted correct.

Sd. R. L. Yorke.

8. 12. 30.

Prosecution tenders witness no. 195 R. S. Pinge search witness of this search for cross-examination. No one wishes to cross-examine him and he is accordingly discharged.

Sd. R. L. Yorke.

8-12-30.

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Saraswati Machine Printing Press Meerut, U.P. India.



## P.W. 272

*P. I. Gaya Prasad on S. A. No. 318 in Lower Court. In English.*

I am court-officer in charge of exhibits in this case. I know all the accused in court. Some of them have written documents in my presence. (Mr. Sinha asks court to record that he will raise his objection to the examination of this witness later.)

In Exh P 2475 the part encircled and marked S. 1 was written by accused M. A. Majid in my presence.

In Exh P 2476 the portion encircled in blue and marked S 2 was written by M. G. Desai accused in my presence.

In Exh P 2477 the portion encircled in blue and marked S 3 was written by S. A. Dange accused in my presence.

In Exh P 2478 the portion encircled in blue and marked S 4 was written by S. A. Dange accused in my presence.

In Exh P 2479 the portion encircled in blue and marked S 5 was written by G. Adhikari accused in my presence.

In Exh P 2480 the portion encircled in red and marked S 7 was written by Shankat Usmani accused in my presence.

In Exh P 2481 the portion encircled in red and marked S 8 was written by S. H. Jhabwala accused in my presence.

In Exh P 2482 the two portions encircled together in red and marked S 9 were written in my presence by S. S. Mirajkar accused.

In Exh P 2483 the portion encircled in red and marked S 10 was written in my presence by S. S. Mirajkar accused. Mr. Horton is not in India at present but has gone home to Europe on leave having been in hospital for a long time before he went. I dont know when he is likely to return.

There was one Remington typewriter of Adhikari accused, recovered in his search, in the malkhan. Adhikari applied to the Addl: District Magistrate Mr. Milner White for its return. I was ordered by the Magistrate to produce that typewriter. I produced it on 21. 11. 29 before him. The Head Copyist typed the writing in type on paper Exh P 2528 before the Addl: District Magistrate and in my presence. The Magistrate endorsed the paper and handed it to me to be kept with the exhibits and produced when required. The typewriter was then returned to Adhikari accused. Adhikari's application is in the judicial file.

XXN. Postponed to a future date.

Sd/- R. L. Yorke.

9. 12. 30.

*Continued on S. A.*

XXN: for Joshi and others. I dont know anything about Mr. Horton's present state of health. I have never received any letter from him since he went on leave. I have no other personal knowledge about him since that time. He has not retired from service. I think he took one year's leave. He went away in May or June. There is a lady typist in the prosecution office. Her name is Mrs. Hollam. I may have seen documents typed by her but I dont see such in the course of my duties. I have not seen her signatures and cant say if she types the initials R. H. at the end of documents she types. I joined my present post in May 1929. Since then I have been in charge of all the records, that is to say of the search material as well as the exhibits. I came to Meerut and the District Magistrate then directed me to Mr. Horton who gave me the keys of the rooms in which the search materials were kept. I was given the typed copies of the searchlists and I compared each and every paper with those lists. I had no assistance in that work, except in case of Bengali papers. I know Pt. Shiam Singh Pathak Deputy Magistrate. The sealed bundles and trunks were opened in his presence. I was not present at first but the work continued after my arrival. I was not working under him. On a number of documents there is a rubber stamped signature of Mr. S. S. Pathak. This stamped signature or the Magistrate's initials were put on any papers found in the sealed bundles at the time of their being opened which did not already bear a signature. In one or 2 searches in the bundles I found papers which were not entered in the searchlists. I made no separate note of that. I did not make any separate list of such papers and so far as I know no one else did. Prior to the inquiry the search materials were examined by Mr. Khairat Nabi and K.B. Tasadduq Hussain in addition to Counsel. Selected papers were also seen by Mr. Horton. Such examination of papers was done in the office of the prosecution but in my presence Books and pamphlets were if so desired left with them temporarily but not manuscript documents. I may have left typed documents also. In each case I kept a note on a slip which I put in the bundle but I did not maintain any register. Such slips were destroyed when the document or book was returned. I never saw any of the persons who subsequently proved reports of speeches here before the inquiry began. Until they were actually produced Mr. Jyoti Sarup office superintendent was in charge of all papers kept in the prosecution office. When I first came there were 4 or 5 typists in the prosecution office. I was transferred here while Mr. Edye was still in charge of the case. I dont know who was keeping search warrants and searchlists then but it was probably the prosecution. The present court clerk came about the same time as Mr. Milner White

Included in the search materials were some 14 or 15 typewriters. Specimens were taken of the writing of many of these machines before Mr. Milner White at the time of their return. When a machine was to be returned the prosecution used to apply to the Magistrate for a specimen to be taken. The Magistrate used to ask prosecution if they had anything to say when an application was made for return of anything and in their report the prosecution used sometimes to ask for a specimen to be taken. Such specimens after being taken were kept with me, as miscellaneous paper to be produced when required. I cant say whether Mr. Milner White's to take a specimen of the typing of Adhikari accused's machine was writtten or verbal. When I produced the machine the Magistrate sent for the Head Copyist Mr. Dasondi Ram and he typed the specimen Exh P 2528. The typist himself selected the letters to be written. This machine was returned to Adhikari accused on 20th November 1929. I remember seeing several slips in regard to the taking of specimen writing of this machine. There was no formal application by the prosecution for specimen to be taken but there was a request. I received the Magistrate's order to return to Adhikari accused the typewriter item no 2 in his search-list, on 20th November. I complied with that order that day. The paper Exh P 2528 was typed either in the Magistrate's retiring room at Court or at his bungalow. I dont remember at what time it was done. Volunteers: On 21st November the same typewriter which I had returned on the 20th was received back by me through Jail officials. I was asked to receive it as the Magistrate they had sent for it. I did so and again produced it before the Magistrate. It was then he got this specimen writing done. By Counsel I did not receive any forwarding note along with the typewriter. A jail warder whose name I dont know brought the machine to me. I have not seen the Magistrate's order to the Jail officials to produce that machine. There are some papers which have been produced from the malkhana by me and marked for identification as defence papers which do not bear the signature of the searching officer or the search-witnesses. They were papers taken out by me from the bundle of that search with regard to which a particular witness was being cross-examined, being papers to which the witness could not depose owing to the absence of signature or other means of identification. Such papers are those marked D. 216, D. 217, D. 277 (3 papers) D 278 (2 papers) and D 288. All these I produced from the bundle of K. L. Ghosh's search at the time of the cross-examination of the searching officer. Papers marked for identification D 618 and D 619 are papers which I have taken from a bundle purporting to contain articles recovered in a search of the Labour Union or Workers Union or Mazdur Sabha Jhansi. I compared these papers with what was given me as a typed copy of the searchlist. I

can give a copy of that copy. I have compared my copy with the paper marked D 620 which is apparently the original searchlist. I was in Jhansi before I came here. I recognise the writing and signature of the Superintendent of Police Mr. Inglis on the search-warrant relating to that search marked D. 621. I also recognise the handwriting of the searchlist and the signature thereon as that of Pt. Ram Bharose Tewari, S. I. in District Intelligence staff. The paper marked D 622 comes from the bundle of search material of the search of Thengde accused's house to which a witness has deposed. (This might have been put in properly through the searching officer but the Prosecution do not object and admit that this was recovered in that search). The photograph marked D 623 is similarly from Gorakhpur Labour Union search and pamphlets marked D 624 to D 628 were similarly from the bundle of search material of Mukerji accused's house. (Note. Same remark applies to these as to D. 622.)

The papers marked D. 458, D. 460 and D.461 were produced by me from the bundle containing search material of Girni Kamgar Union head office search at the time of cross-examination of P. W. 188

The writings on Exhs P 2475 to P 2483 were required by the practice and procedure of the Court. In no case could any articles have been returned to any of the accused without my obtaining their acknowledgement and signature. In the case of P 2475 I showed the docket to accused Majid and asked him to write his reply and he did so. In the case of P 2477, P 2478, P 2482 the accused had asked for and obtained inspections and I asked them to note that they had inspected. This was not required but was done simply to complete the paper.

I am an officer of the U. P. Police on deputation first to the Lower Court and then to this Court. I am a Prosecuting Inspector.

By Nimbkar accused. I came under Mr. Milner White's orders from the date of his arrival, that is about the 1st week of June 1929. After he came I took all my orders from him though sometimes they came to me through the prosecution. All the search-material of the searches which took place on 20-3-29 connected with Hutchinson accused if it was sent here must have been in my custody. I had to execute all Court orders for the return of such material. I put my remarks on all such applications when I complied with the Magistrate's order. Exh P 2330 passed through my hands, probably just after the Magistrate passed the orders.

'Prosecution' dated 11.9.29, meaning To prosecution for report. The prosecution asked me to show them the papers in Hutchinson

accused's list and I wrote that one item was already Exh P 1021. I don't think I did that prior to Mr. Khairat Nabi's note of 12th September. I did so before the note of Mr. Horton dated 27th September 1929. There is no order by the Magistrate for return of these documents after Mr. Horton's order. It was not I who complied with Mr. Horton's order, or recommendation. I was never acting under Mr. Horton's orders after I took up my duties under the District Magistrate. No material from the searches could be returned without an express order from the Magistrate. (Question in regard to the arrest of Mr. Randive in the Court Compound while the case was proceeding in the Lower Court disallowed as irrelevant). I know that an application was made about Mr. Randive's arrest and discussed in the Lower Court. I remember that frequent complaints were made in the Lower Court about interference with accused's correspondence.

By other accused Nil.

REXXN. Nil.

Sd. R. L. Yorke.

2. 1. 31.

Read and admitted correct.

Sd. R. L. Yorke.

3-1-31.

Note. Mr. Sinha intimates that the document in reference to which the questions about initials R. H. were put was P 2002 C. Evidence in regard to this document was given By P. W. 97, and the record of his evidence shows that on this document the initials R. H. with figures 10/1 below them appeared then. The left hand bottom corner of this document has been torn off and neither the letters nor the figures now appear. It is obviously useless to question this witness in re-examination in regard to these writings.

By Court on S. A. P. 2002 C was not torn when it was produced originally. I am not able to say when it was torn. It has like many documents been issued for photographing in his case of P 2002 P.E. Many such documents have been torn, and photograph copies have been cracked by folding. Possibly this has been so damaged or it has been damaged while handling the bundle. The whole bundle in which it was has been inspected by the accused also.

Note. There is an incomplete mark of folding above the torn portion (The tear itself is not in a straight line). I have kept

a register showing which accused have inspected which documents but not from the beginning. I began it on 16.2.30, but is only for exhibit days. Casual inspections on Court days e. g. in lunch time are not entered. This was at one time among the handwriting papers. I have notes of these being inspected but cant say if this particular one was inspected.

Read and admitted correct.

Sd. R. L. Yorke

3-1-31

( Prosecution counsel says he will not argue that any of accused could derive any advantage from tearing the document.)

Sd. R. L. Yorke

3. 1. 31.

*Continued after P.W. 281.*

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Saraswati Machine Printing Press Meerut U. P. India.

*Mr. Jacob Mackwan on S. A. No. 269 in Lower Court. In English.*

I have been a journalist for the last 22 years and am a shorthand reporter. In May and June 1928 I was in Bombay, and was Chief Reporter to the Bombay Chronicle but was on leave. In those months I attended certain meetings in connection with the Bombay Mill strike and took shorthand notes of speeches made there. I took notes of English speeches in English shorthand. I also took notes of Marathi speeches in English longhand.

On 11. 5 28 I attended a meeting at Nagu Sayyaji Wadi and took notes and subsequently transcribed the shorthand part of those notes. Exh P 2237 is my transcription of my notes made soon after the meeting. The matter of the speeches was fresh in my memory when I transcribed. The transcription to the best of my ability and knowledge represents correctly what was said. At that meeting accused Nimbkar, Jhabwala, Mirajkar and Alwe were present. They all spoke. (Witness identified Nimbkar, Alwe and Jhabwala in Court. Mirajkar absent ill.) This speech of Nimbkar accused was made in Marathi but as I am more familiar with Gujrathi I followed it in Gujrathi and my notes are in Gujrathi, longhand, (Prosecution tenders Nimbkar accused's speech only).

On 15. 5. 28 I attended another meeting at Nagu Sayyaji Wadi. Accused Mirajkar, Dange and Nimbkar were present. (Witness identified Dange accused after some time.) Dange did not wear glasses when I saw him before. Except Bradley accused the others all made all their speeches in Marathi. On that occasion I took notes of Mirajkar's speech which I transcribed soon after while the matter was still fresh in my mind. Exh P 2238 is my transcription of Mirajkar's speech and correctly represents what he said.

On 21. 5. 28 I attended another meeting at Nagu Sayyaji Wadi. Accused Bradley, Alwe, Joglekar were present. (Witness identified Bradley and Joglekar accused in Court). Bradley spoke in English and I took shorthand notes of his speech which I subsequently transcribed while the matter was still fresh in my mind. Exh P 2239 correctly records what he said.

On 24. 5. 28 I was present at a meeting at Nagu Sayyaji Wadi. Joglekar, Nimbkar, Bradley, Alwe and Jhabwala were present. They all spoke. I took notes of their speeches Except Bradley all spoke in Marathi. Exh P 2240 (1) is my transcription

which correctly represents what Joglekar said and Exh P 2240 (2) what Bradley said. These documents were both typed while the matter was fresh in my mind.

On 30. 5. 28 I attended a meeting at Nagu Sayyaji Wadi at which Nimbkar, Jhabwala, Mirajkar, Kastle, and Bradley accused were present. (Witness identified Kastle accused in Court). Nimbkar and Bradley spoke and Exh P 2241 (1) correctly represents what Nimbkar said and Exh P 2241 (2) what Bradley said. I typed these documents while the matter was fresh in my memory. My shorthand and long hand notes are still available.

On 2. 6. 28 I attended a meeting at Nagu Sayyaji Wadi at which Alwe, Dange, Mirajkar and Nimbkar were present. Dange accused spoke and Exh P 2242 correctly represents what he said. I wrote it while the matter was still fresh in my memory. My notes are available here.

On 3. 6. 28 I attended a meeting at Nagu Sayyaji Wadi at which Alwe, Nimbkar and Jhabwala and Mirajkar accused were present. Nimbkar spoke twice, and Jhabwala also spoke. Exhs P 2243 A and B correctly represent what Nimbkar said on this occasion and Exh P 2243 correctly represents what Jhabwala said. I wrote these 3 documents down while the matter was still fresh in my memory and my notes are still available here for checking.

On 4. 6. 28 I attended a meeting at Nagu Sayyaji Wadi at which Alwe, Mirajkar, Jhabwala and Bradley were present. Bradley spoke and Exh P 2244 correctly represents what he said and was written down by me while the matter was fresh in my memory. Shorthand notes are here.

On 7. 6. 28 I was present at a meeting at Nagu Sayyaji Wadi at which Dange, Mirajkar, Bradley and Alwe were present. Dange accused spoke and Exh P 2245 correctly represents what he said and was written down when the matter was fresh in my memory. My notes are still available.

On 8. 6. 28 I attended another meeting at Nagu Sayyaji Wadi at which Nimbkar, Alwe, Jhabwala and Mirajkar were present. Mirajkar accused spoke and Exh P 2246 correctly sets out what he said and was written out by me while the matter was still fresh in my memory. My notes are still available for reference.

I can identify Mirajkar accused and did so in the Lower Court.

XXN. For Joshi and others. I listened to my statement when it was read over in the Lower Court and found it correct. I



then signed it. I said there that 'I can follow Marathi but I am not a Marathi scholar. I took my notes in English'. What I transcribed at my home was my notes both of Marathi and English speeches. By transcribing I mean rendering into longhand. I also said: 'I understand simple Marathi. I only understand English shorthand. I translate into English as I go along and write it down in English shorthand.' I don't know Gujarathi shorthand. I do sometimes report Marathi speeches for the Bombay Chronicle, if occasion arises. As I said in the Lower Court generally I report meetings when speeches are delivered in English. There are other reporters on the staff who generally do Marathi reporting, though they don't know Marathi shorthand. I have never acted as a police spy. Asked whether whenever he had been employed by the police it was in his professional capacity as a reporter, said: In the whole world the press and the police have to co-operate and they give us news and we give them something in return. They knew me as a reporter and employed me only as a reporter of meetings. I did nothing for the police beyond reporting the proceedings of the meetings. I never passed on any confidential information to the police. Exh P 2237 is my report and is entirely by me. At the end of my report are 2 private notes which I made for some reporter. By writing them I suggested to the Police to send some reporters. I don't remember now why I wrote the 1st note about Mirajkar going in a lorry from chawl to chawl. I called these private notes because they did not form part of the proceedings. As regards the 'private notes' at the end of P 2240 I wrote them because the Times of India Reporter would be assaulted at the first opportunity. It was intended for the Police to show that our lives are in danger. I made a report about a threat to me, too. It was at one of the meetings to which I have deposed and by Dange accused. It was not in writing and does not appear in any of the reports shown to me. I made a verbal report to the Deputy Commissioner K. B. Petigara. It was for his information and not necessarily with a view to his taking action. Dange was not prosecuted for threatening to assault me. As regards the private note at end of P 2245 I put it up for the information of the police so that they may protect us. I don't know now why I gave the information about Krishna being a Communist in it.

As regards the note at end of P 2242 I don't know how I managed to get the note of the letter mentioned; perhaps they might have had it in their hand. I was not paid anything specially for these private notes apart from what I got for reporting. I was paid my usual daily fee for reporting. I was employed for reporting three meetings by the Deputy Commissioner of Police. I knew K. B. Petigara before that, personally. All these reports were submitted by me to him through the Inspector in charge of Labour

branch. He was present at some of these meetings but not at all of them. It was Inspector Hasan Ali. When he was not present at the meetings no other police officer was present. He was present at 2 or 3 only. I used to send one carbon copy of my report to my paper at first say in the month of May. Later because my office did not care to take these reports I ceased to send them. I must have sent a copy of P 237 to the Chronicle, but without the private notes. This is not a copy of my original report but it is the original which I sent to the police. It was typed in my house. I don't remember but I think that I signed some of my reports. None of these reports bears my signature or initials or date of submission. I used to send these reports through my servant. There is nothing in these reports to show the name or address of the person to whom they were sent. I did not send any slip or note with them. They were each sent in an envelope, folded (Folds very faint). I don't now remember the details of the speeches. I have not in any case improved upon the language of any original longhand English notes in preparing these reports. I don't remember if the Chronicle published any of my reports of these speeches, or any reports of those meetings. It is not the practice for the Chronicle to take reports of meetings from other sources when the Chief reporter has submitted a report. I think I read the Chronicle regularly in those days. If I attended a meeting and later saw an incorrect report of it in the Chronicle it was my duty to bring it to the notice of the Editor. If there is a mistake of sufficient importance it is usually corrected in a subsequent issue.

I had a party of the staff of the Chronicle at the Presidency Association rooms in December 1927. I don't remember whether Desai accused was at that party. The office of the Journalists Association was in the same room as the Presidency Association. I had invited my friends as a member of that association.

I know a Mr. Dhairyawan on the staff of the Bombay Chronicle. He is a Sub Editor, since the last 2 or 3 years. Seeing P. 1241: I can't say whether this document is in his handwriting. I am familiar with his handwriting. I think Dr. Chokse was present about twice at the meetings to which I have deposed.

By Nimbkar accused. I have been Chief Reporter of the Bombay Chronicle some 6 or 7 years. Before that I was a journalist and used to write contributions for the Chronicle, on general topics, in both correspondence and special articles column. I got remuneration for the articles. It may be 10 or 15 Rs. per column. I had no pet topic. I was not writing for any other paper. I have worked also on a Gujrathi paper in Bombay, the Akhbar Saudagar, now called Hindustan. I was on it about 5 years, like an Assistant Editor. I get Rs. 300 p.m. plus allowance on the Bombay Chronicle.

I may have submitted about half a dozen more reports to the police besides the 10 I have proved here. At the time the Textile strike began in April I was on duty on the Chronicle. I was on leave from 1st May to 15th June. I may have visited the Parel area on duty occasionally but not regularly between the time the strike began and the date I went on leave. I did not take leave in order to do the police reporting. During the period of my leave especially in May I think I was attending meetings every day. I stopped doing so when my leave ended. During the time I was reporting I think there were also other police reporters reporting meetings. I don't know their names. I don't refer to Inspector Hasan Ali. I did not report about 60 meetings but only about 16. I don't exactly remember what honorarium I was paid by the police but may be it was Rs. 300 or 400. I said in the Lower Court: "I am not a member of the Journalists Association." I am not a member of it now either. But I was in 1927. The Secretary of the Journalists Association was my Chief Editor. I can't say in what month I resigned but it was before I gave evidence in Lower Court. I can't say what year it was. I did not inform my Editor Mr. Brelvi that I was submitting these reports to the police. I don't remember ever seeing Nimbkar accused working as an apprentice in the Bombay Chronicle office. I have often seen him coming there. It is news to me that the Editor on duty strikes off 3/4 of every report I submit. I have never heard that the Sub Editors and Assistant Editors have special instructions to check and correct my English. Before I did it a Mr. Serur of the Times of India was reporting meetings for the police. He ceased doing so at the beginning of May. I did not pose as working for the Bombay Chronicle. One Mr. S. K. Patil was then and still is a reporter on the Chronicle. I know a Mr. Narainswamy. He was and is on the Chronicle staff. It is the same who was delivering speeches in the labour movement and was a member of the Bombay Provincial Congress Committee. I used to do the more important work. I can't say whether Mr. Patil did some important interviews in connection with the ratio question in 1928. I remember an occasion in May when Mr. Patil and I both went to one of the strike meetings. I did not hear him on that occasion say to some labour leaders that I was not doing any work for the Chronicle. I don't do Police Court reporting daily but sometimes. I usually report the Council proceedings at Bombay but Mr. Patil does so sometimes. I am a Gujrati by birth and that is my mother tongue. I can't take down Marathi speeches verbatim. To Court. None of my reports are verbatim, either of the English speeches or the Marathi ones. They are really full gist reports.

Dr. Chokse also spoke on the 11th May. He is a member of the Corporation. I recorded gist of his speech also. (Accused

wishes to tender Dr. Chokse's speech which is found with Exh P 2237. I rule it irrelevant to the case).

Nimbkar must have said that 'Lenin was the worker'. (Marathi Lenin ha ek kamagar gota.) I cant actually remember the words he used. The sentence 'In India too....' in P 2237 I would render in Marathi 'Hindustanat Kamgar lokane tasach karnun kamgaracha rajyasthapun nyay melvla pahije.'

(Sd.) R. L. Yorke

10-12-30.

Continued on S. A. At the meeting of the 15th May there were other speakers Sakharam Luxmon Lad, and Dr. Chokse. I cant say who Lad was. (Nimbkar accused wishes to tender S. L. Lad's speech which accompanies report Exh P 2238 in evidence. I hold it inadmissible). Nimkar accused also made a speech on this occasion which I reported. My report is Exh D 600. (Reference P 2238).

In the meeting of 21st May there was another speaker besides accused one Baburao. He is described in my report as a fitter. I dont know if he was the Secretary of the Bombay Millworkers Unions.

I forget the Marathi word for Imperialism, For 'foundation of the mass movement'. I would say 'Lakashahi chalwalcha paya.' I think it is the only equivalent in Marathi which I know. (Note: the phrase is in Bradley's English speech and has not been shown to the Court in any Marathi speech).

At the meeting of 24th May 1928 besides accused a Mr. Asole spoke. He is a Rao Bahadur, J. P. and M. L. C. In Exh P 2240 (1) the Marathi equivalent of 'Undaunted' is 'Binbhayene.' There may be other translations for it, such as 'bushyare', 'himmattheyun.' I cannot seeing my Gujrati notes recall the actual Marathi word which he used. It was just at the start and I only wrote my impression. I used both my notes and my memory in preparing the gist report. The Marathi equivalent for 'righteous' further on is 'nyaye' or 'insafi.' In my Gujrati notes I have put down the word 'Nayaye,' which is the word I think was used. By Court. I put the phrase in apostrophes not to show that I was quoting the actual words but because the speaker emphasised these words. I think Mr. Joglekar must have spoken for about 5 minutes. He repeated some sentences several times. The Marathi phrase for 'overthrow' is 'udavun taku.' There may be other equivalents.

In the meeting of 30th May a resolution was passed which I took down in shorthand in English. It runs as follows: 'Spratt

is a leader of labourers. That we have confidence in Spratt. He is our leader, and he should not be sacrificed at the altar of Capitalism.' (read from the shorthand notes.) The resolution was actually read out in Marathi and not in English. The next thing in my notes is Resolution passed. The sentence 'If Government.....mistake' which appears in my report is not in my notes. In the phrase read out to me 'Jar kuni kamawar jayala lagla tar tyala samji dya.' the words 'Tar tyala samjidya' are in idiomatic. The whole sentence read out means 'if anybody wanted to go to work please persuade him not to do so.' 'Samji' means persuasion or advice. The literal meaning is 'please give him some advice.' I dont think the complete sentence is the one which I translated 'If anybody tries to go to work give him a good hammering.' The word 'maro' was used. The phrase about advice used in an angry tone would mean hammering. In my Gujrati notes I have taken it in English shorthand and it runs: If anybody goes to work hammer them nicely. I cant say now what exact Marathi phrase Nimbkar accused used.

I could follow Bradley accused's English which the questioner describes as Cockney. I cannot take a verbatim report of a speech of his.

At the meeting of 2nd June the only speaker besides the accused was 'an old operative' whose name I dont know.

I dont know the Marathi word for Socialism.

At the meeting of 3rd June besides the accused one Naraindas Pechar spoke, who was a M. L. C from Karachi but I dont know whether he was one at that time. The words 'viz revolution' in my report may be mine and not the speaker's. At the meeting of 4th June there were speakers besides the accused, a Mr. Weldon and Marcel Fernandez. Mr. Weldon was a workman in the Matunga G. I. P workshops and Fernandez is an employee in B. B. C. I. Railway.

At the meeting of 7th June in Dange's speech there is a sentence 'How long.....constitutional methods.' I take the Marathi equivalent to be 'Polis che he kayda baji koth paryaud chalnar.' 'Constitutional methods is my English version of Kaydabaji'.

In Exh P 2246 I took the beginning of Mirajkar's speech in English shorthand. My original notes run: The newspaper report .....is not correct. The words 'I must repudiate' do not occur. The next sentence in P 2246 is in my notes simply: We will never go. I dont know any Marathi word for Trade Union except Union. I would not translate Trade Union as Yapadi Sangh.

I dont remember whether I reported in January 1928 the meetings of the Bombay Provincial Congress Committee held for the purpose of propaganda against Simon Commission. I may have attended some meetings. I did not report the meeting held on 18th January 1928 and reported in the issue of Bombay Chronicle Thursday 19th January, 1928. I dont know who did report it. Nor did I report the meeting held at Matunga on 19th and reported in Bombay Chronicle dated Friday January 20, 1928. ( Copies of Bombay Chronicle of 18th, 19th and 20th January 1928 tendered by accused and marked D. 601, D. 602, and D.603. Nor did I report the meeting held at the Marwari Vidyalaya hall on 20th January and reported in Bombay Chronicle of 21st January D.604. Nor did I report the meeting held on January 24 at Mandvi reported in B.C. dated 25 D. 605. Nor did I report either the G ward meeting or the Parsee meeting reported on pages 8 & 7 of B. C. dated 26-1-28 D. 605. In the issue of 27-1-28 D. 607 the Appeal to Workers on page 5, the report of Bombay Merchants Patriotic Declaration on page 7 and the Benares Boycott Conference resolution on page 9 did not come into the paper through me. ( Accused also tenders a copy of B. C. dated 28-1-28 marked D. 608, for a letter purporting to be his which appears therein on page 4. Also issue of January 30th D.609 for certain announcements on page 8 regarding 'Boycott of Simon.') )

The item about Marwaris signing the Manifesto re Simon Hartal contained in B.C D.610 dated January 31, 1928 page 8 left hand 2 columns was not collected by me. Nor did I report the 'Stand by Congress' meeting or the Muslim meeting reported in B.C D, 611 dated 1-2-28 page 7 columns 4,5 and 6. I did not collect the programme reported in columns 2 & 3 of page 7 of B.C dated 2-2-28 D 612 or report the League of Youth meeting reported in column 4. The Bombay Chronicle office was nominally closed on the Hartal Day, February 3rd. I did not report the students meeting in Marwari Vidyalaya Hall reported in D613 the issue of B.C dated 3-2-28 page 9 column 4 etc. I was one of the reporters at the big meeting held at Chowpatti in the evening of 3-2-28. Sir C.Setalvad presided and I remember Mrs. Naidu and Mr. Balubhai Desai a wellknown lawyer speaking.

I have attended meetings of the Bombay Provincial Congress Committee very rarely. Mr. Patel sometimes attends, or somebody else. I did not report the interview of deputation with H.E The Governor reported in D 614 B C dated 24-12-28 page 7 columns 1 & 2, nor that reported in D, 525 B.C dated 16-12-28 page 7 columns 1 & 2.

I was on the Executive Committee of the Journalist Association. (Accused tenders issue of B.C dated 21-1-27 D 615).

I did not get strike reports from the police for my paper after I ceased personally to attend workers meetings. I did not report the meeting reported in D. 555 B.C dated 2-5-27 page 7 columns 1 & 2.

I know and read the Indian Daily Mail. D.524 looks as if it were a cutting from that paper but I cant say definitely.

Sd. R. L. Yorke

11. 12. 30

XXN. Continued on S. A. ( Nimbkar accused read out to witness what purported to be the passage marked in Exh. P. 1735 Marathi note of Deshpande witness. The witness sat to take a gist report of it.

The passage in P. 1735 said to be covered is from line 6 to line 33 on page 28 of Volume III of Bombay Speeches English version. )

I have kept notes of what was said in my own way, that is in a mixture of Gujrati longhand and English shorthand. All I have got is the gist of what was said. Exh D. 617 (Reference P. 1735) is my report. Exh D. 617A are my rough notes.

( Note. I am asked to note that in one sentence witness wrote in the word ' not ' in reading over D. 617 to the Court. )

In the file D. 519 the cuttings from English papers are in my opinion from the following papers : Page 4 Indian Daily Mail, pages 1, 2, 3 left 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20 from the Bombay Chronicle. I am fairly sure the latter are all from the Chronicle but I cannot be positive in all cases. In file D. 518 selected papers nos. 1 to 8 to the best of my judgment are from the Bombay Chronicle, pages 9 to 11 from the Indian Daily Mail and nos. 12 to 14 probably from the Times of India. In D. 509 the cuttings of pages 2, 6 and back, 8 back, 9 & back , 10, 11, 26 & back are I think from the Bombay Chronicle, and Page 18, 19, 21 & 22 from the Times of India.

I did not report the proceedings of the Riots Inquiry Committee. D. 144 (6) may be from the Indian National Herald. Of the cuttings in D. 124 which do not already bear the name of the newspaper, items (1), (13) and (15) are from the Bombay Chronicle I think. I attend the meetings of the Bombay Corporation for reporting purposes. I think there was a resolution passed there for granting a lakh of rupees for relief for the strikers. I am not sure if it was 1925 but it was in the strike before the 1928 strike. I was not present in the Corporation meeting when

Dr. Chokse's resolution was moved. After that the President of the Corporation Dr. Deshmukh started what was called the Mayor's Relief Fund. Dr. Deshmukh was trying to negotiate between the Strike Committee and the Millowners Association. I know his efforts failed. A public meeting was held in Cowasjee Jehangir Hall in December 1927 with Sir Dinshaw Petit as President to discuss the boycott of the Simon Commission. It was of an All Parties type. At Sir John Simon's 2nd coming I was present at the Mole. There was a demonstration, I don't know by whom organised. Police reporters are not allowed to be members of the Journalists Association. I might have been a member of the Journalists Association when I gave those reports to the police. The Association must have known I was giving those reports as many members of it knew. I was approached by the police soon after the Times of India reporter was threatened by you people. I was not present when he was threatened. It was by 1st week of May I was approached. I had applied for leave at the end of April. I generally go for my holiday then. There was no special ground for leave. I am a wholetime employee of the Chronicle, and got my pay from that paper while I was on leave. I did not inform my chief Mr. Brelvi about these reports up to the time I came to give evidence in the Lower Court. It is not a fact that the 1st report I submitted to the police is about the morning meeting at Nagu Sayyaji Wadi on 28. 4. 28.

By Joglekar accused. I can't remember what the original Marathi words were which I translated in P. 2240 (1): It (the British Empire) gloried in the blood of the poor like the strikers. I can't put it in grammatical Marathi but it might be put something like this: 'Tya lok garibacha raktat santoch ghate.' I can't follow the words spoken by accused nor read the Marathi writing. (The words are said to be: 'Sampa - vallyanchya garib aptani apalya raktane hyala tej Chadavile ahe.' Interpreter says transliteration correct.) I don't know the Marathi word for exploitation.

I don't know English for Marathi word 'masuda' (Interpreter: 'draft') I would translate Ultimatum in Marathi as 'sewatchi notice.' I would translate the sentence 'if they went to work again the millowners would reduce the wages to only Rs 20 per month' as 'Jo tumi parat kamwar gela tar mill malik dar mahinat pagar kami karun vis rupiya karil.' My Gujrati notes translated mean: 'Don't go to work, if you do go to work you will have bad days. The millowners will make you work on 2 frames and 3 looms, will reduce your pay to Rs. 20.' The word 'only' in P. 2237 is not in my notes. I would translate 'giants' in English as Rakshas in Marathi, and howling as 'oridna.' For the sentence in P. 2241 (1) 'The Times of India.....over.'



I would suggest as Marathi 'Times of India rani dookara. sarikhe ordte ki samp mitla ahet.' The Akbare Saudagar was not amalgamated with Hindustan but changed into it.

By other accused. NIL.

By Mr. Sinha with permission. From 3rd May to 18th June I reported strike meetings every day and I have in Court the notes I took at such meetings. I submitted reports based on these notes daily to the police. Other newspaper reporters were present at these meetings. I was the only man reporting for the Police. The portion shown to me in my rough notes for P. 2237 translated literally runs as follows: 'In Russia the emperors and landlords and property holder were killed. Lenin took possession of the empire. The landlords and property holders did not have votes. Only agriculturists have rights to votes. Rs 20000 were sent to Mr. Joshi.' The sentence 'In India ..... justice' does not occur in my Gujrati notes.

A certain number of my rough notes consist of a mixture of Gujrati longhand notes and English shorthand notes. I find it convenient to do so but have no special reason why I find it so. One reason may be that where the speaker was speaking too fast to take Gujrati longhand it was convenient because quicker to take notes in English shorthand. In P. 2240 (1) 1st paragraph my rough notes literally translated run as follows: 'The British empire is like a giant unrighteous and immoral. It has grown by sucking the blood of poor men like you. 16 lakhs of Indians went to war and gave their lives. The Empire is built on their blood, and now they are sending us to jail, and pickets are arrested. We will throw the empire which has grown on sucking the blood. The Governor.....'

My rough notes of Mirajkar's speech P 2246 are almost entirely in English shorthand with a few Gujrati words here and there.

REXXN. I transcribed the notes for P,2237 soon after the meeting was over when the facts were fresh in my memory. Anything which is not found in the notes but is in my report must have been from memory. The same answer applies to the last 2 lines of the Spratt resolution in the report of which P, 2241 (2) is a part. The resolution was moved by Nimbkar accused. I have been in Bombay 30 years and am a Christian. Our Church services and prayers are conducted in Marathi.

Read and admitted correct.

Sd. R. L. Yorke.

13. 12. 30

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Saraswati Machine Printing Press Meerut, U.P. India.

## P.W. 274

*Major D. R. D. Fisher on oath. New witness. In English.*

I am a Major in the Royal Artillery and at present at Army Headquarters, Delhi. I am a 2nd class Military Interpreter in German, and qualified as such 5 years ago. I am also an interpreter in French in the 1st class.

I have translated certain documents and titles of books which were furnished to me by the prosecution in this case. I have since seen the originals of the 2 letters P. 1169 and P 1196 and compared them with the copies I was given. I found they tallied. I have now seen in Court Exhs P. 1166, P. 1168, P. 1176, P. 1181, P. 1188 P. 1189, P. 1195, P. 1198, P. 1161, P. 1214, P. 1200 and P. 1478. I have set out in my note Exh P. 2529 the translations of so much of the original exhibits as purport therein to be translated. To the best of my belief these are substantially correct translations. I am not at all an expert in social political terms or names of parties etc. I have simply endeavoured to give a literal translation of such terms. I have made marginal remarks in red ink of the points on which I was doubtful.

In Exh P. 1597 I dont know the exact meaning of Postanweisung but substantially the meaning of the letter is: I am sending you by some postal method £20, please acknowledge receipt. Exh P 1598 is the same except that the writer says 'Please acknowledge receipt to the address below.'

XXN. By Adhikari accused. I have not lived in Germany for any length of time. I was last there between 5 and 6 years ago, after the Republic was established. I should say that I did not now know enough about German politics to read and understand political articles in a German newspaper. I am completely out of touch. I have not followed German politics seriously through English newspapers. I am not conversant with economic or political terminology in German, or Socialist or Marxist terminology. There are many abbreviations in common use in German. I cant say I know them all. I dont know abbreviations "z. B. or d. h. or s. p. d. or a. d." But I know "u.s.w." That one means etcetera.

I remember on accused's suggesting it to me that z.b. mean zum beispiel that is 'for example'. The abbreviation a. b. I similarly remember stands for ausser dienst that is Out of service or Retired. I know there are many political parties in Germany. I dont know the names offhand of any of the German parties and dont know the name 'Citizens' party'. The German for a party is I believe 'partei'. 'The word 'block' which occurs in P 1195 means much

the same as the English word and can mean a coalition. The word Burger which I have translated Citizens in the term Burger-Block may mean Bourgeois. If S. P. D. stands for Social democratic partei Dies Deutschland it would mean German Socialdemocratic party. 'Keil' has many meanings, one of which is 'Wedge'. I dont know what its meaning is in this exhibit. It is possible it is the name of the artist who drew the cartoon. I had not the actual cartoon before me when I translated P. 1195. I did not see it till I came into Court. I translated in Exh P. 1478 so much of the items referred to me as was not so misspelt as to be unintelligible. I have heard of the phrase Die nationale hymne, which means National Anthem. Item 22 Folkslied I have translated National Anthem but it may be Folksong.

Item 25 I did not understand. If the correct spelling is 'Betriebsrate Gesetz' I still dont know its meaning. 'Gesetz' means law. 'Rat' means Council. I dont know meaning of Betrieb.

In P 1200 item 85 I dont know the meaning even if it is Die Sanfte. I would translate Unser as Our. The 'y' in your in last sentence of P. 1196 is probably a typing mistake. I dont know Capitalist Finance or Finance Capital is more correct in P 1169 after 'British Indian Oligarchy.' I dont know anything about the technical meanings and to me they mean much the same. I translated the word 'thesen' essays. It may equally be 'theses'. The title of Ch. Viii may be The Prevention of future wars. I think I translated Genossenschaft comradeship but it is probably a technical term. The phrase Produktivgenossenschaften would mean productive comradeship.

Seeing a passage pointed out by accused I can say it very likely means really Cooperative System. I dont remember meaning of Gleich geicht and it may mean Equilibrium. In the context in P 1169 stalemate means much the same. Ferschie bsich means also 'shifting'. I dont know German for Trades Union. I have probably in this letter mistranslated some words which should mean Trades Union, for instance All India Industrial Conference should probably be A. I. Trade Union Congress. On the back of the page for 22nd August in Exh P 1195 there is an article headed 'Electrode to the Head, subtitle an eyewitness'es account of the Murder of Sacco and Vanzetti. I agree with the translation of the sentences read out to me: 'He appeared a bit nervous as the warders strapped him to the chair.... Twice he should in the Italian language "Long live Anarchy." ...' On the back of dates 8, 9, 10 June there is an article. The translation given to me by accused D. 616 (Reference P. 1195) is in substance though I do not entirely agree with it in detail. In P. 1196 I came across an abbreviation po. po. I took it to be postoffice. The German for post office is postamt.

I would translate the passage in Exh P. 1489 Lenin on Religion, page 20 submitted to me as follows: 'It would be bourgeois weakness to forget that the pressure of religion on mankind is only the product and the reaction of the economic pressure within the community (or society). By no pamphlets, by no propaganda can the proletariat be enlightened, if it is not enlightened by its own struggle against the dark power of Capitalism. The uniformity of this revolutionary struggle of the suppressed classes for the erection of a paradise on earth is to us more important than the *uniformity* (Adhikari gave the witness this word for Einheitlichkeit) of opinion of the proletariat concerning a paradise in Heaven.' In the preface to P. 1489 page 12 there is what purports to be a quotation from the Programme of the Communist Party of Russia of March 1919. I want the help of a dictionary to translate the underlined sentence. I translated the items sent to me with the help of a dictionary. I would translate the passage: Thereby is every injury to the feelings of believers carefully to be avoided as that only leads to the strengthening of religious fanaticism. (Tallies almost exactly with a translation offered by accused.)

In Exh P. 1181 page 67 last paragraph, number 3. I would translate as follows: ' ( Gewerkschaften ) The Trade Unions work well as centres of resistance against the encroachments of Capital, but they prove partially ineffective because of the imprudent use of their strength (powers). They fail in their General object because they confine themselves to guerilla warfare against the effects of the existing system instead of simultaneously working for its alteration and using their organised strength as a lever to the final setting free of the working classes, that is to the final abolition of the Wages system.'

I noticed the error 'Comrade....female' when I looked through my typewritten. German which I translated, this morning. I corrected it in order to get my translation right. The error probably arose originally from inadvertence.

By Nimbkar accused. Witness asked whether he knows that General Ironside took an expedition to Archangel in 1919-20. Question ruled out as irrelevant to the charge.

(A very large number of questions put to this witness on subjects like expenditure of British exchequer on bribing White Russian generals, plot by many European nations against the Soviet, Lloyd George's flirtations with the Bolsheviks, revolutionary situation in England in 1920, the zinovieff letter, Disarmament, Army Head Quarters plans in regard to the NW and NE frontiers of India, strength of the British army versus the Indian Army in India were disallowed as irrelevant and to a very large number of



Exh P. 792 T " " " " every document in the file Exh P. 792.

Only one copy of each document (many are duplicated) has been translated.

Exh P. 797 T is a correct translation of certain extracts in Marathi in the notebook Exh P. 797.

Exh P. 802 T is a correct translation of Exh P. 802.

Exh P. 876 T " " " " " Panchnama Exh P. 876.

Exh P. 929 T " " " " " One of a bundle of identical handbills Exh P. 929.

Exh P. 930 T " " " " " Certain extracts in Exh P. 930 marked by me in red pencil.

Exh P. 940 T " " " " " Exh P. 940.

Exh P. 949 T " " " " " The Marathi portion of the statement of accounts Exh P. 949.

Exh P. 951 T (D) is a correct translation of the leaflets in P. 951 D Nimbkar, except that where document are duplicated there is only one translated.

Exh P. 953 T is a correct translation of Exh P 953 (manuscript article.)

Exh P 954 T is a correct translation of Marathi entries in Exh P 954.

Exh P 958 T is a correct translation of the entries in Exh P. 958.

Exh P 961 T is a correct translation of the names and addresses in Exh P 961.

Exh P 962 T contains translations of the various inscriptions I found on the sashes in Exh P. 962.

Exh P. 966 T is a correct translation of Exh P. 966.

Exh P 967 T is a correct translation of Exh P 967.

Exh P 973 T is a correct translation of Exh P 973.

Exh P 985 T sets out correctly the translation of the non-English signatures in Exh P. 985.



Marathi. I have studied it in several schools. I have contributed articles of a literary nature to a Marathi magazine and helped in conducting a communal paper in Marathi Israel-Mitra or Friend of Israel. I took my B. A. in Bombay University in 1907. My second language was Persian. I don't claim to know Sanskrit. For the purpose of translation from Marathi I use Molesworth dictionary, 2nd edition 1857. When we find Sanskrit words used not current when Molesworth was combined we use Apte's Sanskrit English Dictionary and there are also some books of idioms in the Marathi language, Apte's and Bhides's. There are some modern dictionaries but they are mainly based on Molesworth. I brought some other books with me when I came to the lower Court but I have brought only Molesworth now. For all practical purposes Molesworth was sufficient. In my translating I met some new words which are used in Communist literature but the meaning was easy to guess from the context. I don't think I met with any other difficulty. I have only translated a portion of the Marathi literature in this case. I did not make the selection for translation.

In Exh P 930 Kranti of 2-9-28 the portion translated is 1st Paragraph headlines, then 2 separate para headings, then a paragraph 2 of 3 paragraphs under the heading They go..., omitting, the last sentence, then another para heading. I have translated 'gabru' as rich. It might in this context suggest 'carefree.' In the beginning of second sentence of the Jawaharlal Nehru paragraph I have not actually translated the word 'faqt', only. The word 'tahanama' means a settlement of treaty or agreement, or a capitulation. I translated it capitulating. I should say that the phrase I translated 'meeting of Capitalist wise-acres' could not mean 'meeting concerned with considering Capitalist interests.' The words I translated 'The Congress is helping.....', mean literally 'help of the Congress to Tata and owners.' I have omitted nothing in my translation. Asterisks at beginning of extract from Kranti of 2-8-28 show something omitted. I used them always for that purpose. The word 'un' which I translated 'since' means literally 'but.' I would not translate it: In addition to being hardworking the Chinese worker etc. The words read out to me would mean 'the millowners of China who call themselves Chinese.' I am translating Karkhandar as millowners. It can be factory owners. I have come across the words 'exploit' and 'exploitation' in English. It is by implication translated in Marathi as 'pilvanuk' which means literally squeezing. I would translate the word madyantari in the meanwhile or in the transition period, literally. In the context it means I think 'in the intervening period.' It does not mean 'as a third party intervening between 2 others.'

In Marathi a handbill is called 'hastpatrak.' It implies



something to be distributed. Strictly speaking a notice published in newspapers is not called a handbill. I did not think the reference in the 3rd paragraph in Kranti of 2-8-28 was to a statement published in the press. In my office we read newspapers as part of our duty. I have seen in newspapers statements purporting to have been issued to the Press by members of the Legislative Assembly calling upon the Indian public not to support the sending of Indian troop to China.

(Sd) R. L. Yorke

16-12-30.

XXN. On S. A. In Kranti of 12th November translation a para is omitted between the 1st and 2nd paras of the translation. In my 2nd para I have omitted a sort of parenthetical clause and some more (13 lines in all). They were not important and the sense could be brought out without including them. I was myself responsible for the omission. The last para in the translation consists of 2 sentences from a latter paragraph. These are followed by a further portion of the article. The word vaishish which I have translated salient feature means special, that is special feature. 'Rahasia' means the 'essence' of a thing. I thought that 'salient feature' did not equally convey the sense. 'Significance' would have been even better. The word 'asnkhya' means innumerable. I have translated it 'large.' I have translated 'Qaimchi sutka' as total liberation. Literally it is 'permanent relief.' 'Apratihah' means unobstructed. I have translated it 'perpetual' which is the sense of something going on unobstructed. In phrase 'for being kept in ignorance etc' it would be better to say 'by' instead of 'for', or 'for' may be omitted and a comma substituted. In the 1st sentence of the last para of my translation I read the words meaning 'in the history of the world' with the adjectival clause. I dont read it with the principal clause.

In Exh P. 953 I have translated Bhandwal shahi as Capitalism. Capitalists would be Bhandwalwale or Bhandwaldar. The heading of my translation would be literally Capitalism has grown fat. Masna is to grow fat or arrogant. It does not mean 'grow oppressive'. It could mean has thriven. In the second sentence of the translation I may have omitted the word 'even' after 'recouped.' I dont think the word 'rabne' conveys meaning 'suffer' but rather wail, weep, cry. There is a figurative sense of being injured. In the 3rd place in the sentence where this word occurs the sense of 'suffer' is conveyed. The sentence at top of page 14 English version of P954T would read better 'The Capitalists that were mere rich men.....' Kuber suggests a Multimillionaire. There is a typing mistake of 'hutt' for 'lot' and of 'he' for 'to' at top of page 14. For the words

I have translated. Do not look with haughtiness etc. I would not accept 'Do not disregard' as a literal translation.

In P. 986 T page 45 of English version the words I have translated 'sight' is tamasha which means spectacle. The phrase does not to me convey the meaning of looking with pleasure at. 'Kamgar harle' means the workers were defeated. Kamgar can mean millworkers. The words Hindi 'mhanavinare' means 'those (Capitalists) who go under the name of Indians.' 'Girni' generally means a Mill but also factory. Karkhana is a factory generally. In the sentence 'if we come out successful all the workers' the word for workers is Girnikamgar which means mill workers. The word I have translated 'but' means literally 'because.' The word I have translated 'less' with wages is 'kami.' The words for 'reduced wages' would be 'Kami Kilele pagar'. the phrase here may mean either reduced pay or low pay. I believe that the effect of the changes in the mills in 1928 was a reduction of wages by working on more looms for the same pay. The phrase I have translated owners of mills means literally 'Masters of labourers'. In the 3rd para on page 46 'war' may be struggle.

Kranti 9th August 1928: The phrase 'open your mills' contains the word khushhal which means freely, at your pleasure, as you like. The words I have translated 'to attend them' mean literally 'to work on the new condition.' For 'mised' the word 'induced' can be read in para 3. It does not imply subservience, but infatuation. The phrase at end of this sentence should be 'just demands.' In the 2nd extract from Kranti of 9th August after the words 'how much was paid' there should be the words 'from 7th May 1928 to 6th August.' The 2nd item in the list is from 'Mill or factory workers in England etc.' The Bombay Textile Labour Union is I believe called Girni Kamgar Sangh. There is a Union called Girni Kamgar Union which looks like a different union. In the list of subscriptions there is one from Bombay Girni Kamgar Sangh and not Bombay Girni Kamgar Union. The last item should be '...and collections made by Volunteers in the city'. In the note at the end I have omitted the words 'for easy information', that is so that it may be easily understood.

Kranti 12th August: In my translation a sentence is omitted after the words 'oppressions of the owners.' To Court: it runs: 'The Railway workers went on strike owing to the rascality of Government. I omitted the sentence through oversight. After the words 'take the life of the workers' 3 paragraphs are omitted. After the next para 4 more paras are omitted. I cant say whether I omitted this in my own responsibility or under instructions. The word I have translated Newspapers on page 49 is newspaperwale i.e. journalists. The next para should read 'Indian and white' and not

India. It is a typing slip. The word I have translated slaughter means figuratively 'ruin' or loss. The word translated Conspiracy is 'kat'. Original English words are often brought into Marathi journalism in the English form in Marathi letters. The usual practice is to put after them in brackets the English word in the English spelling, and letters. In the case of words which have become current the practice ceases to be followed. In the case of technical terms also the word is not given in English also. The word 'cut' in sense of out of coat is so used in Marathi. I dont think the word 'Cut' here is used figuratively for Cut in wages. In the next para the word for slaughter kathal karun could not mean suppress, but wipe out. At the beginning of this para 'white' has been typed by mistake for 'whole.' The word translated 'desperate' cannot mean discontented, but maddened, infuriated. In the 4th para before 'the English' the word 'Even' appears in Marath, Nafabzoi reaping profits may be translated Exploiting. For the word 'Raised on the blood etc' the translation can be Exploited on etc. I cant say whether 'on the blood of the workers' was intended to mean 'by sweated labour.'

In item 3 of page 50 the literal meaning is get a resolution passed and not pass on. In 4 I dont understand pundit to lawyer. In verse 7 of part-IV of Exh P 940 the meaning should be 'The Gods and demons are having a battle of bits but etc. Bhao means comrade. I dont think this verse compares Alwe to a Maratha general.

(Sd) R. L. Yorke

17-12-30.

Continued on S. A.

Kranti of 23-8-28. In line 3 on page 51 English version the word panth means sect or party: I have translated it creed. In para 2 on page 51 the last word should be 'people' rather than workers. 'Owners of factories' is malik karkhandar which I read together and not separate. The words translated by me 'possessors of all happiness' do not mean the persons only entitled to happiness. The word 'slaves' may be read as parallel to servants. In next sentence 'will' is not actually present in either clause: I took it as historical. The word I have translated 'combine' in the next para, is 'mirun' (hindustani mil-kar). The words translated 'owners' in same paragraph may be 'owner class.' In last para of page 'that would take place' is literally 'if they take place.' 'In the small strikes' may carry a technical meaning of 'in the sectional strikes.' In the next para for 'earns' the word 'creates' may be read. The words translated 'usurped ownership' is chortiya malkicha or literally stolen ownership. (Accused suggests illegal right of ownership). I dont

agree to that suggestion. The word translated 'On the strength of (jiwara)' means on the life of, not on the pretext of. The word translated 'possessors' is 'malak' which has same meaning in Marathi as in Hindustani. The word does not here imply 'title.' For 'mis-understandings' in next para the word superstitions may be read. The implication of 'raise a false cry' is feigning innocence while doing so. The word translated 'false' with theories means 'false' much same meaning as jhutha in Hindustani. I dont understand it to mean imaginary. Taking the sentence 'and make us slaves of the Capitalist creed' I thought there was a printing mistake in it: literally it means as the words stand 'and makes us slaves by the Capitalist mind.' It can be read 'Capitalism makes us mentally slaves.' I have omitted 'even' as redundant before 'in the matter of education.' For the words 'by the creed of their party' we may read 'By the scientific exposition of their creed.' I would not say Philosophy for Creed.

Kranti 30-8-28. In line 3 of para 2 on page 53 the word translated 'bravery' means literally militant-ness. The words meaning 'slaughter the owners as a class' can convey the figurative meaning of 'eliminating' the owners as a class. The literal meaning of the words translated 'cool down' is 'become peaceful.' I dont accept meaning of 'become submissive.' After 'strikes' in the same sentence I omitted 'etcetera.' In sentence about Spratt and Bradley I omitted 'may' before 'have come' as unnecessary. In next para the word translated 'inadequate' is literally less, which of course includes reduced. The phrase about bankreuptcy means when Government and the owners lose their senses. In last line of para on top of page 54 the word for convenience is sukh meaning happiness. It does not mean necessity.

Kranti 20-9-28. The portion translated is the middle paragraph in an article of 12 paras. In the same issue on page 3 there is a heading 'Malkhanchi handbilleu' For the phrase preparations for I would agree to preparations and possibilities (possible moves of the parties), and not possibilities only. The next sentence might be international struggle (lathalathi). Before 'study' (I omitted a word meaning continuous or systematic perhaps.

Kranti 27-9-28. The portion translated is at the end of a long article. Literal meaning of 2nd line is, what did the Commissioner say.

Kranti of 5-10-28. The word for 'idle' is Ghafil, a hindustani word. It means 'off one's guard.' (Middle of page 57)

At top of page 58 for 'workers ready' 'subscribers' should be ready. The phrase duty (towards it) means duty generally. The

word treachery is haramkhori or eating forbidden food. It also means rascality speculation etc, making of illicit gain. The next sentence may mean: 'Call off the strike but maintain intact....' The literal translation of the words is 'keep the organisation fully. It might be implied to mean, Make complete organisation of 84 mills. I do not think that the sentence about the fight finishing is a general statement and should be 'Even if a fight....'

Exh P 930. Kranti of 12th July 1928. My translation begins at para 2 of the article. In last para but one only 2 lines out of 9 are translated. I dont know by whose choice the omissions were made. I believe I received instructions from the prosecution, from Mr. Mitter. I did not do the original reading over of the documents to the prosecution. In para 1 of the translation where I have said 'them' twice it should be 'it.' On page 64 para 2 the words 'by some means or other' should have been in brackets. They are to complete the sense. They may be deleted. Literally it is: Day by day on seeing that our strike is not broken, by vexing the workers who have become desperate by starvation, inventing an excuse and bringing about a lathi charge and opening of fire, this is the intention of our enemy. In the last para of the article the But in brackets may be deleted.

Kranti of 30th June 1928. The passage is only the last para of an article. In the middle for enormous trade the Marathi may mean 'big business'. At top of page 65 'his' is typing mistake for 'this.'

In Exh P 792 (page 32 of English version) the Marathi translated 'deport' may mean 'send to prison.' Literally the phrase translated by me means Intimidation: it cant mean establishing position. (Dahshat baswani).

(Sd) R. L. Yorke

18-12-30

XXN. on S. A. Kranti of 4-7-27 passage 1. The heading means Diplomatic relations severed. The 1st sentence is literally: the hard position of British Capitalists has come. The word for Commotion is gharbar a hindustani word. I have not translated 'tar' ('to' in Hindi) in that sentence as I did not regard it as requiring translation. The word I have translated 'ugly' means literally 'dreadful.' The Conservatives can command a majority (para 3 of page 60) may mean that they have a decisive majority. For debate may be read struggle. By 'lose patience' I do not understand 'show extremist tendencies.' Literal meaning is become uncontrolled. Attitude, the marathi word means conduct and not action. The word I have translated 'secret' means 'bogey.' That sentence may run: 'One

of the dodges of the Conservative Party is to mislead....' The word translated 'by me 'centre' on top of page 61 really means 'place of origin', and the rest may be 'working class movement.' 'The word I translated destroy means totally destroy and does not mean literally so far as I know obliterate or wipe out.

Literally the wording is to 'destroy it which has become' i. e. the country which... i. e. Russia. The word I have translated firm means firm. I dont understand it to mean cunning. The first sentence of the next para means literally 'commits a mistake' but I cant say what was at the back of the writer's mind. I did not understand it to mean 'takes the aggressive.' For disorganised the word loose or loosely bound may be read. I dont read the sense suggested before about committing mistakes in the 2nd sentence either. In the last sentence of this article I understand the Marathi to be incorrect. Un-corrected it means literally: those who share in the same vice. I thought from the context that the word for profession was meant. (Dictionary gives one meaning of persons sharing same calamity). I have not come across it meaning 'calamity', before. Probably that is the correct translation here. I misunderstood it. On page 61 the word translated means People and can mean Masses.

Kranti of 4-6-28 2nd portion: The 1st sentence for China read 'the movement in China.' For 'undergoing bondage' the more full meaning is 'rotting in slavery.' 'Similarly situated' is the same phrase used before 'follow the same vice' and means the same here no doubt, i. e. 'also in a calamitous position.' The word for 'study' means literally 'studious application.' Help us may be 'make it easy' for us. For difficulties read dangerous situations. In next para for 'the National...' read 'our National...' Similarly in 4th line for 'this' read 'our.' In line 5 and line 6 people may be masses. For 'prominent' in line 2 read 'foremost of the nation.' I put in 'our' at end of line 1 of that para because I thought the context wanted it. For studied in line 7 may be read 'cursorily viewed' the literal meaning. I have translated the last line of page 62 English version literally. I did not understand it to mean 'in order to make use of the American incident.' The word for revolution in line 2 on page 63 is literally 'political revolution.' The word 'stir' is literally 'light' or kindle. I dont think it means revive. Figuratively it may mean that. (Dictionary says so.) The sentence Even a man like Lajpat Rai....I did not mean to mean that 'even a man like Lajpat Rai could not resist the temptation to draw inspiration from those histories.' The sentence 'but these are happenings in the past means literally 'these are old worn out things.' The next sentence may be read: 'in the times of the last generation and according to the notions of nationalism of those times.' In the next sentence for

'to us' read 'today' (or 'now') (aj). The word for 'in fact' in next para can also mean 'probably.' The second sentence of para 3 on page 63 should run: 'the wars...that take place ...are not wars....but are...' The word for agitation is dhus-phus meaning pickering etc. etc. The words 'on such a class war' may be 'on this very principle of class conflict.' Before movements in the next sentence add 'present' Literally the last clause of that para means 'the evidence has been accepted by...' For 'suffering pangs etc' read panting and struggling under the stranglehold....(next para). For 'by foreign capitalists' can be read Capitalist (capitalists of one foreign country. In the next clause reference is to Capitalism of several foreign countries. 'It falls to our lot' may be 'We have to...' In the next sentence for 'position' read 'aspect.' In the last sentence on the page I have omitted 'as yet'. P I dont know if by the word I have translated Practical 'materiali-stic' is meant. On next page I cant say whether by practical sight 'materialistic point of view' is meant. The last clause of para 1 on page 64 may be 'by expounding the policies of the contending parties with the help of the exposition of interest first mentioned.' For 'Bias' read 'turn.' In the Communist Party report lower down page 64 the word for 'organisation' also means Constitution. On page 65 'representative board' is a literal translation. It might mean 'delegation.'

On page 65 item 3 should really be 6. I omitted item 5 by accident. It runs: The above mentioned party expresses its disapprobation of the Trade Union Bill which endagers the rights of the working classes that unite against Capitalism, and expresses its sympathy with the struggle that opposes the oppression of the Capitalists. In item 5 (6) high caste is safed posh or white clother (Dictionary higher classes.) I have not heard it used to indicate an economic distinction, and to mean 'middle classes.' 'In league with' may be 'compromising with.' The word for clique means group. For 'National' read 'nationalist'.

Kranti 11th June 1927. 'On the question of organisation' may be 'on the subject of the Union.' (d) on page 69 I omitted 'at night' rom the clause about working in mines. It does not apply to the other clause about dangerous occupations. 'participating' is literally 'doing work.'

Exh P 792. 2nd para on page 33 English: 'complaints' is literally 'false cries'. The phrase 'his orders were obeyed' may be put 'his word was law'. The words translated saluting thrice mean literally 'saluting thrice by bending down' which suggests abject submission. In the sentence wealth is created by our labour I have left out the word 'alone.' In the next sentence 'merely' is to be added in 1st portion. In next sentence after the rich add 'of the world.' In last para on page 33 for 'allow' read 'caused.' The

last clause is literally 'Caused a new attack to be made.' On page 34 line 3 for contention read struggle. In middle of page 'this effort...' means literally 'this effort is of various kinds.' Leaders of the workers is correctly leaders who are themselves workers. Brave policemen going about means brave policemen who go about. Small strikes is same phrase which occurred before and may mean sectional strikes. A big struggle may mean a general strike. Devices is literally conspiracy-play. In (2) at foot of page Tricks is hishebbazi or tricks in accounts. On page 35 the phrase about becoming extremists in looting may be put 'intensifying exploitation.' For 'similarly strike was declared' the simple meaning is 'similarly there was a strike. Vehicle department is 'garikhata' may be mule department for aught I know. On page 36 Cloth Department may be weaving department. I dont know if 'trason' is spinning. I know of warping department. I dont know if sanchawale is weavers. In the last line Excitement may be irritation.

(Sd.) R L Yorke

19-12-30.

XXN: On S. A. Continued.

Exh. P. 1375. Kranti of 14th May 1927. The 3rd headline 'the General...' may be 'the toiling masses of the nation.' Line 7 on page 12 English version for general public read Masses. For 'every day life' you may read daily worldly affairs, or patsuits. 'Is not in accord with' the word is the Hindustani 'mel' and meaning may be 'has no relation to.' In line 4 of para 2 for 'the work of' the Congress you may read 'the Congress movement.' For distrust, indifference is also possible. (Dictionary favours this and not distrust). After 'Reforms Act have' the word 'thus' occurs in Marathi. For weak and effete I accept 'powerless and impotent' as an alternative.

At line 12 on page 12 'it' may go with programme and for 'that it' may be read the word 'as.' In the sentence People who like to pose the words translated imposed on the Congress mean literally 'have yoked the Congress to.' The sentence begins literally in English the people who go in a procession as leaders. The sense is usually ironical, and does not imply real control. That it literally translated is 'that by it there may be established.' No doubt by monopoly in this Marathi context means political monopoly. 'handful' may apply to all the 3 classes Capitalists, their friends and tools, and The educated classes of the higher castes to the tools only. The educated etc may be translated the educated middle classes. In the next sentence for their followers more correct would be 'simple minded masses. Caste



distinctions is literally (zat) caste differences or communal differences. For general public read masses if necessary. For evil read misfortune or calamity. After relieve them read 'permanently.' For 'selfish mire' "mire of selfishness" may be read. For 'set them' the reading should be 'set it.' In (1) for Swaraj read (democratic) Republican swaraj. The word for attainment means establishment. For independence emancipation will also do; its meaning is freeing from. In (2) after general strike read 'of an obstructive character.' For 'its faith' read 'its full faith.' For 'that is general strike' read 'firmly believes that general strike....is the only....' For general revolution read mass revolution 'The people may understand' may be 'The masses may.' After importance is a word meaning knowledge. It may perhaps mean significance. The sentence beginning 'all efforts etc' runs literally 'it is necessary that the awakening be brought about at the earliest possible date.' My translation was free. In so doing I have imported some words which dont actually occur such as efforts, etc. For 'control of' one may say 'selfgovernment in respect of.' In II for 'by' we may have 'through the agency of.' After 'cheap 'credit' add 'on easy security.' After 'modern' read 'agricultural' and for 'equipment' 'Implements' may be read. In VIII for vocational scientific may be what was meant. The word for 'Support' is a sanskrit word meaning promising, giving a lead to etc etc. (Joglekar cant suggest a suitable version.) The heading of XV may be 'make full use.' The writer may have meant exploit. In the para at top of page 14 after programme read 'alone' and 'will' is literally 'is capable of.' The literal translation of the sentence beginning 'in the initial stages' would be: 'The members of the Congress should make all possible use of the Councils and other similar political bodies (institutions) only with a view to prepare the ground work of this programme by creating favourable laws and other helpful circumstances' 'enter' may be 'force their way into.' For village organisation local institutions may be read. For advantage I should have written 'vantage.' For 'furtherance' operation may be read. Before 'machinery' in next sentence read 'existing.' There is no Marathi word for 'utmost' but I took it to complete the sense of 'democratisation.' It is not a fact that I did not translate the original but inserted a passage from some other document. I have given 2 words 'laws and statutes' for one qaida. Similarly I put 'make use and exploit' for one word. I probably omitted some brackets. The words 'try to' are not actually in the Marathi. 'new statutes' is to be understood and is also not actually in the Marathi. 'In furtherance of this cause' may be 'for the operation of this programme.' In the next sentence ekzat is united (Dictionary unmixed) sarras is 'constant' and sattat 'continuals' opposition (wirod). For the word translated 'foil' the literal meaning is 'root

out utterly.' In XVI the word for bring to terms is literally tame. The literal for oppositions is power of opposition 'Realise their own existence' may be become selfconscious but not selfconfident. For Invincible the word unfailing may be read. In last para of page 14 for transporation read transport. In last line but one General strike is general strike of the people. In the lower para on page 15 the word for 'feuds' means quarrel, or strife. (Joglekar says Class war.)

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20-12-30

Continued on S. A. Kranti of 21st May, page 16 English. The heading is literally The slippery surface of moderatism. For 'national unity' we may read 'promoting the national sentiment.' In para 2 for general public Nation may be put. For 'higher castes' you might say middle classes but higher classes would be more literally correct I omitted 'real' before 'unity' in the next para. Possibly the 2nd sentence of the para means that 'the stream of goodness of the All India Congress Committee burst into flood soon after by passing a resolution for the attonement of the sins of the Working Committee.'

In line 3 of next para before "lines" is a word meaning literally 'same.' I dont understand the word which I have translated 'opposing' to mean 'obstruct.' For 'on what lines the Madras' etc may be 'what policy the Madras Congress will adopt.' For scheme you may read Swaraj constitution. I take followers as more correct than associates of Moti Lal. At bottom of page 16 the President does not necessarily go with the 1st half of the sentence. It means 'a feeble resolution was adopted but the President suppressed....' On page 17 line 3 before demands read economic. In last line for higher Hindu classes you may read 'middle classes.'

Kranti of 28th May, page 17. For 'In the world' you may read 'in the nation'. In 2nd para before bondage read political. In para 3 on page 18 for 'there was only one way' we may read 'this was the only way.' In para 4 second sentence it may be 'ordered the agriculturists.' In next para for 'gained' you may read 'Proved' the literal meaning. By 'abounds' in para 2 on page 19 sense is 'forms a majority.' Further on in a city like may be in cities like.

In para 3 on page 19 the sense of become more and more practicable is 'begin to function more fully.' In last line but 4 it should be 'workers' only and not workers and peasants. Similarly in 1st line on page 20.

Mayday article on page 19, the number of representatives should be 300 and not 3000. The phrase may mean perhaps the 300 representatives of the Kuomintang in the Government Committees.

Kranti of 18th June, page 23. In line 5 the second mention is of the 2 months. In line 10 for general public you may read 'majority.' Before widening you may add 'daily.' I gave what I thought was the sense of the Sanskrit proverb in sentence at foot of page 23. I dont know Sanskrit.

Kranti 2nd July page 29. Members of International Publicity Bureau: the writer may have meant 'writers of international fame.' Before Socialism read 'modern.' 'from the point of view' he may have meant 'with a view to showing.' Exploitation may be the implied meaning behind the word translated by me Deception (or loot) at top page 30. Literal meaning is cheating, in respect of money. 'earn' may be create or produce. The last sentence of para at top page 30 may read: 'Failure to understand this, the efforts to raise....., and the efforts to harmonise.....are the 3 things which are at the root.....' For the growth of its trade in 2nd para we may read 'its industrial growth.' In next sentence for industrial and commercial progress the writer may have meant technical and industrial progress (development). For aspect in last line of para we may read 'expression.' In last line of the article for high-handedness you may read oppression.

Exh P 989- Kranti of 17. 3. 29. First sentence (page 74) should be 'effects of the growth of Imperialism.' For 'products' he can have 'commodities' if he prefers it. For cause serious loss he may have 'ruin' and for 'swallow up' absorb. Similarly on page 75 for association in line 2 on page 75 he may have 'combine'. For industrial associations similarly he may have Combines in every industry. For evils at foot of page read 'conflicts' literally. On page 76 for customers read 'custom' i. e. market. For carried to excess he may have 'becomes acute.' In question 15 for 'the object' the basic tasks may be put. For position he may have condition and for capitulation 'coming to terms with.' The word for legitimate in last para of page 76 means 'proper'. For 'the representative body' it may be Councils of representatives. In the last para on page 77 for relieve read release. For 'is shaken' 'sinks' is more correct.

P. 1485. I made my translation with the assistance of the police translation P 1485 T (1) which was accompanying the original Marathi document. 'Even according to Trotsky's view' has no corresponding Marathi in the original. The correct version is 'from the tactical point of view.' I accepted the mis-

reading of 'tactics' as 'Trotsky'. I did not make an independent translation. For practical purposes I took it over bodily, only making such changes as I thought necessary. 'However selfish they may be' should perhaps be 'However selfish their motives may be.' What is written in the original 5th para of this letter is 'The Peasant and Workers Party' and lower down the P and W party (party in Marathi) and I have translated it Workers and Peasant Party in both places as did the Police translator.

P 792, After Rs 10/- add the words 'or more.' On page 28 after elect me add 'on the 29th.' These systems should be these oppressive systems. Comforts may be 'necessaries.' I wrote Make strenuous efforts because I considered that the meaning and sense. Clerical profession etc means clerks and similar people of the middle classes.

Sd/. R. L. Yorke

22. 12. 30

Continued on S. A. Page 28 foot. 'and have been doing' is literally 'and the organisation.....has begun for the last year.' In the last line the word for 'aim' can be translated object, policy also. The word for 'damp' is literally stuffy that is ill ventilated. 'Ill in health' is perhaps 'through diseases.' Sufferings can be sufferings from penury. Page 29 for 'spent' 'to spend' is better 'Agra' has crept in by mistake for Calcutta. At bottom of page Landed proprietors is literally 'monopolists' and for general public he can have 'masses' and for supermacy 'rule'. Take the lead on page 30 may be 'we are the advanced party.' After 'posing as Congressmen' add the words 'in the Corporation.' For we do not go read 'our party does not go'. In para 2 'newspapers' is newspaper writers. In last para on page 30 the sense is 'I have no motorcars or agents for poor workers to avail themselves of.'

On page 27 2nd para for workmen and the Red Flag he may have 'mill-workers and their Union.' For 'vote' he may have 'get them elected.' In para 3 for 'their votes' 'three votes each' would be better. In para 4 pandal of is lit. pandal in and may be near. Opposite etc may be put in brackets. On page 28 in (4) for 'vote for' he may have 'get elected'. On page 31 for coordination of the Workers agitation he may have 'unity of the working class movement'. For 'defeat' he may have 'reverse.' On page 30 at foot for President Trade Union Department he may have Trade Union Group leader. In 2nd notice on page 31 after 'Matters' add 'again'. On page 32 in (2) literally it is Why is it necessary to continue the work without resorting to strike for 2 months of the Government

Committee, which may mean till the Government Committee reports. At top page 38 for Kamgar Union read Workers Union.

P. 1480. Dada means literally Brother. It is also addressed to persons respected. (Dictionary says for persons addressed such as elder brother.) For 'decent' he may have 'beautiful'. He will soon meet you: the word for meet means meet in sense of oppose, or meeting in a contest. He will soon communicate: I read the word as Lihil and not lihin, If it is lihin it means I will write. The subject of the 1st part of the sentence is I and therefore the subject of the 2nd part may also be I as there is no explicit subject stated in it. I cant be sure of the name of the translator suggested in the next para. Before Young read 'very'. In the sense about knowing 'personally' is redundant. The first sentence about Palme Dutt is probably 'those who try to foist the readymade opinions of Palme Dutt.'

P. 1481. After Sapru read 'on the 1st day.' After this Federation read 'such'. Bolshevism is actually written in English 'Bolshev....' 'Which I can understand' may apply to all the books he was reading. Anarchist party: the writer may have meant school of thought. For interesting on page 66 the correct wording is 'lucid and deserving of consideration.'

Sd/- R. L. Yorke

23. 12. 30

Continued on S. A. By Joglekar accused.

P 1482. For 'all' in 2nd sentence of para 2 of the letter it should be 'almost all.' In same sentence there should be no comma between National and Liberal. In next sentence it should be 'are discussing the drafting of a swaraj constitution.' In last sentence of para the words 'in Bombay' have been omitted after 'arrives.' In 1st sentence of next para it should be 'unite at least temporarily.' For 'if their goal is the same' he may have 'if their aim is a real one.' For 'a difference in tactics' he may have 'whatsoever difference of opinion there may be in regard to tactics.' For 'increasing the differences' he may have 'fomenting antagonisms' or 'fostering factious feelings.' For 'find out' read 'stress' in line 5 on page 67. For 'only one programme' he may have 'one specific programme.' After 'sending you' the word 'herewith' has been omitted (line 10). For 'abolish' read 'diminish'. For 'does' in the line 15 'can do' can be read. After 'abuse him' read 'intolerantly'. In next para for 'big' read 'monster'.

For Communist of this place read Communist of this country. There is no verb to sentence about Nimbkar being principal speaker. In next para 'habit' should be 'bad habit'.

The next sentence should run: we must be thankful to Palme Dutt, to almost all the writers in the Masses of India and almost all the Indian Communists in Europe. In last line on page 67 for 'discussion' it may be 'controvesy'. M.Sc in the postscript is really In. In. of Sc. and may be Indian 'Institute of Science. P. 1483 page 68. By 'fearless the writer may imply' 'without any personal consideration'. For 'national' read 'political. For 'belong to same school of thought' he may have 'hold same opinions.' After 'get a share' add the words 'with the Government'. For 'while fighting with Government' he may have 'whatever national movement they may engage themselves in.' In line 14 of this letter workers should be 'political workers.' In the P. S. the words should run: some cheap editions of the best books in modern German literature.

For an idea at foot of page 68 'a correct estimate' would be better.

In P 1484 the word translated 'extracts' can be 'certificates'. For 'contains impartial ect' the sentence may run 'gives a general idea of how the Soviet system is being brought into practice and what the tendencies of new ideas and thoughts are under the Proletariat dictatorship, what are its advantages and disadvantages.' 'Impartial criticism' covers the words: all these matters are discussed in a level headed manner. For 'after all' read 'on the whole.' For an end in itself read 'a final stage'. For ever 'should be' 'for a long time.' The last 2 lines of the page should run: 'for re-organisation and for social and political activity it is difficult for any permanent culture to grow.' 'Permanent' is the same word used earlier and meaning 'for a long time.' On page 70 for 'introduce' it may be 'prepare the way for.' For opinion in line 3 'way of thinking' may be read. The sentence goes on: it is from this point of view that the Soviets the new cultural experiment are to be examined (or estimated). For 'the new art' he may have 'the new style of painting.' The Phrase about studying the more difficult problems may mean 'the correlation of social and economic forces in the structure of Society' but that is not fully expressed. P 1485. In line 4 the wording may be: we have never said that there is absolutely no truth in it. After fully organised I have omitted the words 'as a party.' For 'commence' the sense implies 'able'. 'Whom we call' means 'who are generally called.' In 'essential for them' there are no words for 'for them'. After criticise them is a word 'nirvir' meaning 'without deference.' At top of page 71 after fight read 'I think'. In line 3 for 'openly' 'clearly' would be better. In line 5 read 'the' for 'our'. In para 2 on page 71 for 'successful' read 'possible.' In para 3 on same page workers and peasants should be workers and labourers. The words 'in these circumstances' may be put in brackets. On their duty in the time to come would be also 'in regard to the programme of the future.' In para

4 'in its own opinion' should be 'for its size' The sentence 'to take a stock of: 'should run'. To give a general idea of the work of this institution—that is the new movement— I can only say that I at least know of...' Literally the sentence I will soon etc runs: 'The report of this whole institution—a review of the political and economic situation they have taken and the programme for the next year based thereon.....I shall send to you soon. Before 'an awakening' I have omitted the word 'such.' After 'it appears that' add the words 'from various points of view.' The word translated by me 'majority' means a collection or filling up or a multitude. Labour leaders should be labour party leaders. For 'all of whom' literally read 'because all the members of the P. & W. party are residents of Bombay.' In last para for 'it may not be will put' 'it may be disconnected' would be better.

P. 1575 (7) Happiness of liberty is lit liberty and happiness. Beginning with the 3rd para on page 73 English version the rest of this is an advertisement of the press which published the leaflet.

P. 1464. In line 3 English version the words 'ever since' should be literally 'because'. 'Disunite you' is redundant and put in from the sense. Individually is literally 'one by one.' After a general strike read 'by a great effort'. For to get along successfully he may have 'to come out of the danger.' To the last sentence add the words 'for the sake of the general strike.'

Sd. R. L. Yorke.

5.1.31

Continued on S. A. By Joglekar accused.

Kranti of 24th September of 1927 P 1375. In line 4 anything they say ect may mean 'their professions on the subject of....' For 'views' lower down read 'rumours'. The word translated 'Great' with patriots really means the sun or incarnation of Shiva and might ironically means 'simple.' The word for 'were of opinion' means 'were under the impression.' For wheel the Marathi word also means whirlpool: a possibly translation of the whole is 'caught in the vortex of world transactions.' The attack that will be made on them may be 'the approaching calamity'. At line 6 on page 52 add 'traditional' after 'such' and for 'cowardly' he may have 'effeminate'. In line 8 after there are add 'still'. In next line 'responsible' may be important or influential. The word for munitions is 'saman' For separate treaties read separate treaty. For practice of dacoity it can be practice of professional looting: (per Joglekar accused the project of exploitation i. e. the War). For 'which was wounded' 'which had been' would be more correct.

Russia that has reduced should be Bolshevik Russia. In last line of the article for 'newspapers' read 'Journalists.'

Kranti 17th Setember 1927. The words translated Communist Party in para at bottom of page 50 mean 'Communist sect'. After Bureau was established I have omitted the words 'at Delhi.' For 'cult' lower down 'sect' may be put. The word for 'burning' mean brilliant, also potent, efficacious.

Kranti of 20th August, page in English 38. In line 6 and again in line 1 on page 39 read Mayekar for Mirajkar. In item 5 for declare strikes read 'form unions'. In item 6 the word for convenience is 'sukh' meaning happiness.

Kranti 27 the August page 40. Between two and workers in line 7 read poor. In para 3 on page 41 add the words at beginning 'even though'. Lower down for 'privileges' read 'power.' Lower for writers, conductors etc read 'authors journalists.' In last line but one on page 41 for 'are' read 'have been.' On page 42 working day and night may apply to all 3 classes. In para 2 before post offices 'mailvans and.' In para 2 on page 42 for 'pamphlets' he may have 'books and newspapers.' In para 4 wording should be 'prohibited literature on liberty.' In the last line but 2 on page 42 wording should be 'this hunt of the workers.' Dacoits that were not real on page 43 would be better 'innocent people on false charges of dacoity.'

Kranti of 25th June. Page 27th English version. For taking increasing interest it would be better to say 'taking the lead increasingly.' After 'responsible' add the words 'in a great measure'. In same para for rendered services etc read 'saved the situation.' For assurances were openly given the correct reading may be 'slogans were displayed.' In the 1st para page 28 2nd sentence add the words 'because of the strike.' At 'Woopifoo' should be 'against Woopifoo'. In para 3 on same page for 'them' read 'the workers' in line 3.

Kranti of 18th June. In 4th line on page 24 bottom for the question read 'this question.' In para 2 of this article the translation suggested: 'Unions of tenants', associations of landowners and house owners have to be formed to carry on a struggle against oppressive exploitation, or etc. 'does not appear to me to be correct. Before no such institutions add 'at present.' In item 1 below for 'include' he may have 'enlist'. In item 4 after literate add 'and educated'. In last para but one on page 25 the words 'at the back of these Unions' may perhaps be translated 'at its back'. At top of page 26 for workers in bidi works read Foundry-workers. For accountants in shops he may have Manager. Before 'it is the



intention' add the words 'by this new system of getting more work out of them.' For illiterate read ignorant.

P. 928 (1016) line 10 awwal may be 'In the first place' or perhaps 'of the original workers.' There are no actual words for 'so outwit you by taking you 'by surpris', but they are part of the sense of the phrase for 'attacking you by one.'. 'Notice is publised' is literally 'boards are put' the usual English is 'notice are posted.' In same sentence after United read easily or readily At line 8 on page 59 for disheartened read 'drawing back'. For 'to maintain' better would be with the selfish object of maintaining. For Inconsistency he may have vacillation. For time serving 'procrastination' woule be better. For 'do not rise to the occasion' read 'would leave you in the lurch.'

Continued on S. A By Joglekar accused.

\* In para 3 on page 59 for 'unity was broken' dissensions were created would be better. Tactics of secrecy may mean 'suppression' of facts'. Present in item 3 on page 60 means those workers who will be employed at that time. I cant suggest a translation. For the allowances in 4 read the 'high prices allowances.' I dont agree that secret plot necessarily refers to a plot to get money. I dont take the word for irresponsible to mean misrepresenting (word not in dictionary.). For 'indulges in abusing us' lower down he may have 'launches allegations against us.' Make efforts may be 'are making earnest efforts.' On page 2 line 5 for 'want to grow wise on seeing' read 'do not want the people to get organised and grow wise.' The word for Union in all the cases in line 10 is sanagathan meaning organisation. For 'In these circs.' he may have 'therefore.' After that sentence 4 paragraphs are omitted. In para 2 for the mill workers read 'the workers in the mills working now.' On page 3 for 'and to do harm to the whole' 'at the expense of the whole' would be better. For these false representations he may have 'this roguery.' In next line for 'continue' read 'unite.'. For 'lethargy' read ignorance.

P. 1465. page 62 English. The tactics should be 'in effecting cuts of wages by increasing the hours of work and working etc'. 'Burnus' is a rough kind of blanket. For trouble of work in para 2 page 63 read 'pressure of work.'. I understand the phrase for creating splits to mean that and not to mean 'to break the strike.' After that there is a sentence accidentally omitted: Therefore the strikers should be on their guard and should not be deceived by falling a prey to the altercations of the Jobbers. (Joglekar allurements of the jobbers but Dictionary does not support.). 'Outside workers' is literally 'outside other working

class people'. 'False promises of Jobbers' can be 'false and traitorous Jobbers and Masters (lit: jobbers-masters.)

P. 1375. Kranti of 27th August. English page 44. The word for 'unorganised' may also mean 'anarchic.' In item 4 for folly he can have cowardice. Sensible is smajhdar or intelligent.

For 'points to the art of removing' 'shows the way to the removal of' would be better and literal. In next line for 'agitation movement' will do. 'Ask us how it is done' may be 'ask us what it is.'

Kranti of 10th September 1927. English page 46. For 'whirlpool' he may have 'circle' and for 'oldfashioned' 'orthodox.' At end of 1st para on page 47 it should read 'are carrying on their movement peacefully.'

Kranti of 17th September. English page 48. In para 2 on page 49 1st sentence for 'are' read 'were'. Next para should begin: The Government had barely done this when....' 'Lower down for freedom of writing read freedom of speech.

Kranti of 9th July 1927: page 35. After commercial office add insurance companies, and for disunited unions and 'scattered unions'. For a powerful union read 'one powerful union.' In line 4 on page 33 by the word for guidance he may mean control. By securing profits 'deriving economic advantages' may have been meant. For 'setaside' he may have 'thrown over board the.' The 2nd para 33 can also be read as follows: As a preliminary measures all connection with the Imperial power should be severed and the goal of complete independence should be accepted, so says Mr. Datta. In the 3rd para for 'the public cannot secure it' the correct reading is 'it is only the masses that can secure it'. At the top of page 34 for the workers and peasants party read 'a representative party.' In line 13 for workers and peasants read working class. For 'for it is only this party that will' he may have 'which is likely to'.

Kranti of 3rd March 1929. P 989 English page 72. In line 5 khot is zamindar. After 'increase' at top page 73 add 'so'. In 3rd para on this page for 'usurped etc' read 'cunningly monopolised' In 5th para line 6 for Cannot read 'should.' In 6th para for society he may have general public or masses. On page 74 in item 3 I have omitted a sentence as follows: the objective of this party is the objective of the real workers movement.

(Sd) R. L. Yorke.

7-1-31

Continued on S. A. By Joglekar accused.

Kranti of 18th June 1927. P 1375 page 22 English. For 'form the Union' read 'come into the Union' in line 7. In line 12 before insists add 'rightly.' In bottom para for 'in the midst etc' read 'announced that in the intervening period the confusion created in the working of the Union.' On page 23 for created in the 'prepared' read 'passed'.

Kranti of 13-1-29 P 989 page 70 English. For 'going from place to place' read 'lingering.' At bottom page 71 for 'armed sepoys' read 'trained soldiers.'

Kranti 16th July 1927. P. 1375 Page 36 English. 'For 'and powerful' read 'which holds the power.'

Kranti of 13th August. P 1375, page 37 English. In line 6 on page 38 for 'sturdy workers' read 'sturdy leaders who are actual workers.'

P 1373 (10) page 7 English. In line 3 on page 8 for 'the enemies of the workers' read 'of the Strike Committee and of the working class.'

P 1373 (17) page 9 English. Heading may read 'take a vow for the working class struggle.' On page 10 after 'strike' add 'and power of the organisation.' (2nd para). After 'place' add 'or workshop.' For Unanimity the literal meaning is combination. For 'from which' read 'from whom'.

P. 929 page 61. In line 5 read 'who were going to the office carrying red flags.' For disorder in line 9 read uneasiness. Who are likely to create etc is literally 'if there be any who by incitement are likely to foment disturbance.' I dont think it is an adequate translation to say 'if there be any impatient spirits amongst you, control them'. The next sentence may mean: obey the disciplinary orders of the union, that is the Red Flag Union.

P 1462 page 54 English. For 'pranks' on page 55 top read 'underhand dealings or tricks.' So that people May safeguard etc may perhaps be 'to safeguard the interests of the people.' For 'default' read 'fault'. For 'interest' read 'in our interest. For 'hold over' read 'suppress'. For 'at critical times' 'when necessity arose' would be better. At top page 59 for 'our troubles etc.' read 'the work of strike.' Meaning may be 'this is not the last strike.' For 'No one should consult him in the matter etc.' read 'in order to put a stop to all this no one should etc.' P 1002-For share read 'growth' but Marathi word is unclear, in item 2.

(Sd.) R. L. Yorke.

8-1-31

Continued on S. A. By Joglekar accused.

For Government means etc an alternative might be The State that is a machine run by military power, in the hands of the powerful and ruling class, for the expropriation of the fruits of labour of the workers, peasants and other propertyless classes.'

In next sentence after 'civilised' add 'of the present day'. Page 79 line 3 'After this revolution there is an end of wage-slavery and the means of production are socialised'. is no doubt correct. In 3 on page 79 for rights read 'power'. For All round read 'everywhere in the world.' For protection read shadow list: umbrella (J. rule.) In 1 at foot of page for 'origin' read 'theory.' & Add 'system of' before production and for matters read 'relations'. On page 80 for Monarchy he can have 'feudalism'.

P 967 page 41 English. In headline for 'numbers' read 'name'. On page 42 last para For 'join any union etc'. read 'Join the union. Do not join any other union through intimidation.' P 966 page 38-English. Para 3 on page 39 for mills read mill-owners.'

P 940. page 75. 11 stanza So does Borker: Kasle 'this probably means as suggested and' and in the same way Broker entertains the idea of taking revenge on Kasle etc.'

(Mr. Joglekar closes his cross-examination at 1 p. m. on 9th January).

By Nimbkar accused. Molesworth's dictionary is nearly a century old, that is the 1st edition is. In my duties I come across books published in Marathi as well as papers and magazines. There are many new words coined especially in connection with economic and scientific questions which do not appear in Molesworth. I have heard of Professor Kale a well known writer in both Marathi and English on economic subjects. I have not seen or read his latest book in Marathi on Indian Economics. The Oriental Translator's office used under the rules to receive 2 copies of Kranti. I had in course of my duties translated some articles in Kranti before I made the translations for this case. The Marathi phraseology of Kranti is different from that used in other Marathi papers. In translating Kranti I have found myself in some difficulty for want of a good modern dictionary. Marathi dialects differ from district to district. I belong to Kolaba district. I know the 'Vainateya' of Sanvant wadi state. I know people from Ratnagiri district. People from different parts of its speaking among themselves speak in different dialects. The millhands of Bombay mostly come from Malwan and Wengurla side of the Ratnagiri district. Standard Marathi is that of Poona district. Offhand I cant give a marathi term for

Deductive Logic, or Inductive Logic. I may have know a term for Bourgeois before I worked in this case. I understand 'samazwad' to be the word for Socialism. Literally it is 'wad' doctrine of society 'samaz'. For Communism I cant give a marathi term. I think the English word is used ordinarily. For exploitation 'piranuka' is commonly used: literally it is squeezing. For crisis in the context of a crisis in textile industry I might use 'sankat' or 'anibanicha prasant'. For 'historical materialism' I might use 'aitihāsik adikhaotik-wad' if I had to translate it. Of Dialectics I dont really know the English meaning. For 'polemics' I might use 'wadawiwad' meaning literally raising objections and answering them (Crown Counsel object that questions designed to test the witness'es power to translate English technical terms into Marathi are irrelevant.) I cant suggest offhand a word for 'objective,' or 'subjective.' I have studied economics 25 years ago. I dont know the Marathi for economic determinism. I could not translate 'declassed' and dont know what it means. Nor can I give offhand a translation for 'surplus value' or 'decolonising.' I dont understand the latter. I cant translate 'nucleus' in its communist meaning. 'Fraction' might be 'apurnank.' For Superstructure (of society) one might use 'bahyang.' I take the sentence shown to me (last sentence in record of P. W. 273's evidence on 10.12.30) to mean: 'The workers in India should do likewise and secure justice by establishing the workers Raj'. It is however not good Marathi. There are also many mistakes in the spelling and grammar of it in Marathi (slip attached to Urdu statement). Similarly 'Lokashahi Chalwalcha paya' is grammatically wrong. I would understand it to mean Foundation or basis of the movement for the rule by the people or rule of the people. Mass movement in Marathi would be Samajik or Sarojanak Charwal. For undaunted I might use 'nidharychatine.' For overthrow I would use 'ulathun padane' &. Kaidabazi may mean various things: literally it is play with law, and figuratively may mean highhandedness, involving people in false cases. The sentence Tya lok garibacha raktat santosh ghate sounds to me as if the writer were a Gujerati. Literally 'those people take delight with the blood of the poor' but it is ungrammatical. The sentence Sampa vallyancha etc (mackwan's evidence page 10 of printed record I take to mean 'the poor relatives of the strikers have added lustre to this by their blood.' Ultimatum in Marathi might be Nirwanicha sandesh.

The Marathi translation of Bible, Old and New Testament' is in what is popularly called Missionary Marathi: Matthew in that Matthya and John is Yohanna Marathi used in churches is very different Marathi. The phrase spoken to me 'thaisar chedu huta' is in Molvani dialect which is akin to Konkani. I dont know what is meant (Nimbkar says it means was the girl there?)

By dange accused. In P. 492. Dange's article page 2 line 5 Labour office is not the literal translation of the Marathi words. I gave it from my general knowledge. In same sentence I have written 'reliable' for a word bhardast which means literally 'with weighty hand.' In the long sentence at end of main para on page 3 English there are words meaning 'those are fundamentally opposed to this movement.' In the sentence the sense may be given by reading 'and which is fundamentally opposed to Communism in place of 'and who are opposed etc.' On page 4 line 14 etc for 'advocates of a revolution in the economic position of the workers' read 'advocates who created a revolution in the science of economics as affecting the working classes.'

Sd. R. L. Yorke.

9. 1. 31

Continued on S. A. By Dange accused. On page 4 for 'establish connection' read 'solve' or 'explain' the connection. In top line of page 5 for 'legislative' 'governmental' is possible. In line 5 for this 'work' read 'conception' and for Materialist etc. read 'Materialistic interpretation of history.' In line 3 from bottom after 'person' add the words 'taking up the cause of the workers'. On page 6 last line but one for exaggerating read 'carrying to a climax.' In line 2 on page 7 a clause has been omitted qualifying people and meaning 'who opposed the Capitalists with their (the Capitalists') consent' and suggests the Capitalists pulling the strings. At top of page 8 after 'expelled from it' a clause is omitted which reads 'had in the last 5 years become leaders of a unique revolution and had established a new but very powerful party and'. In next para for 'revolution in Social ethics' read 'philosophy of social revolution.' After 'the Paris Commune' read 'and who under the banner of the 2nd International did everything possible to spread a defeatist philosophy in the working class.' 'So long as America etc' at top of page 11 should be put at the beginning of the sentence instead of at the end 11 lines from bottom of page after 'second International' read 'on the subject of war.' I did not translate the 31 articles at the end of this essay because the prosecution was in a hurry for me to finish and I thought they would be found in any standard book. I also translate Hindi newspapers in my office duties.

P 1373 (10) For 'kept no connection with' read 'take no relief (grain) from. 'For printed' concealed may be correct and the use of rakhna suggests that. I did not write the note which occurs in the Marathi printed copy before the heading Communist International in Exh P 492. Translated it means: the following article in it is of importance. It is not part of the original article

(and does not appear in the English version). The persons named as contributor in the summary of Chitramaya Jagat are frequent contributors to that journal. I have seen Kelkar's name on articles in other papers. In writing this summary also I had the same difficulty about technical words in Marathi. Chitramaya Jagat has also issued a special Chinese number, also an Asia number and a Tilak number, and New Year Numbers. Shahi means rule and attached to another word means 'rule of something' e.g. bhandwal-shahi rule of Capital or Capitalism. The phrase bhandwalashahila marun karha means 'kill Capitalism and drive it out', or 'uproot Capitalism.' The ordinary phrase for Kill the Capitalists would be Bhandwalwaliana mara. In P 929 last para for 'the Capitalists and Government' the literal wording is 'capitalism and despotism (or Government by Sarkar)'. The addition of 'Shahi' in Communist literature suggest that the 'ism' is a bad 'ism'. I am familiar with the Anti-Brahmin literature of Bombay. There also shahi has that sense e.g. in Brahmanshahi and bhatshahi (priestcraft) I have not got a full knowledge of the technical words in use in the Bombay mills. The root meaning of 'mar' is 'beat'. In the phrase read out it means 'throw quickly the shuttle or else the output will decrease and suggests 'speed'. Similarly the word 'dags' in the sentence read out means something technical to do with mills. I dont know precisely what. (Dange says it is a part of a weaving machine.) The sentence Baikuchi ghat moti parli tar tilamat milte: the word 'ghat' means knot. I dont know what it would mean. (Dange says it refers to a process in winding). 'Naikin' means a female jobber in the mills: its ordinary meaning is prostitute. 'I dont know any technical meaning of 'ghora' a horse.

Lokasattar may mean 'democratic' For republic I would use 'prajassatta.' Lok and praja have similar meanings. For quotations in these papers I had no leisure or means of referring to original sources.

By Mr. Sinha for Thengde and Banerjee. I was not personally responsible for selecting the passages translated by me. I was not given other leaflets or handbills to examine beside those which I translated. When we receive Kranti and other papers in our office we summarise them for Government. Later if we receive instructions we translate complete articles. I did not personally translate any of Kranti during the 1928 General Mill Strike. A few handbills of the nature translated here were received in our office through the Director of Information and later on for translation but were not actually done by me. I dont think such hand-bills were regularly sent to the office during that strike. I have never that I remember translated any of the speeches delivered by any of the accused in Bombay. I have no definite

knowledge whether the special Branch of Police Bombay have a staff of translators. I have no knowledge of any investigation of this case. I dont remember having handled any of these documents towards the end of 1928 for translation. In my summary of P 492 my note about M. N. Roy lecturing is taken from the title of a photograph appearing on page/286 of the journal. The name of Roy is there written in full as 'Mahendra Nath Roy.'

By other accused. Nil.

By prosecution with permission. The Sandhurst Road Hall would mean the Marwari Vidyalaya Hall which is in Sandhurst Road, Bombay. Everyone in Bombay knows it as Marwari Vidyalaya Hall but a stranger might call it Sandhurst Road Hall.

By Nimbkar accused. I think there is one other public hall in Sandhurst Road, the Students Brotherhood Hall at the corner of the road. I belive there is also the Wanita Vishram Hall. There is also a small hall in the Servants of India Society premises. Before 1928 some years ago there was also a hall of Gandharya Mahavidalay there.

Read and admitted correct.

Sd/-R. L. Yorke.

10. 1. 31

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## P.W. 276

*Inspector S. S. Deshpande. On S. A. No. 192. In Lower Court. In English.*

I am an Inspector in the Criminal Intelligence Department Poona. I can write Marathi shorthand which I have known for the last 18 years. I keep up to date in it by examinations or tests and practice. I was in Bombay during the General Mill strike in 1928 and reported certain speeches at meetings where I took shorthand notes of the speeches. I subsequently sent in reports of the speeches which were based on the shorthand notes and my memory of what had taken place. I used to prepare my reports the same night and send them in next day. I used to send in my reports in English. At the time of sending them in I knew them to be correct



reports of what had happened, and what had been said at the meetings. My reports were sent in in English by translating and transcribing simultaneously. I produced my Marathi shorthand notes in the Lower Court and they are here now. Since the inquiry in the Lower Court I have been directed to transcribe my shorthand notes direct into Marathi longhand and have done so. The Marathi longhand transcriptions are available here in Court (Notes: printed copies were prepared under Court's orders and are in the accused's hand)

On 4. 9. 28 I attended a strikers meeting at Chikhalwadi Tardeo in the afternoon and took notes of speeches in Marathi. At that meeting Alwe, Mirajkar, Kasle, Bradley, and Joglekar accused were present. (Witness indentified in Court accused Nimbkar, Joglekar, Kasle, Dange, Bradley, Mirajkar, Alwe and Jhabwala at this stage. Exh P. 1724 as written by me in ink contains a correct report of Mirajkar's speech on this occasion. The pencil alterations are not mine. My memory was fresh on this as on every other occasion when I prepared my report.

On 10. 9. 28 in morning I attended a meeting near the Dinshaw Petit Mill. Nimbkar, Kasle, Bradley and Mirajkar accd. were present. Bradley accused made a speech in English. Mirajkar from time to time spoke in Marathi interpreting the speech. I took down in Marathi and also took some notes in English longhand from what Bradley said himself. What Mirajkar said was substantially what Bradley had said. What Bradley said is correctly recorded in P. 1725 the ink portion.

On 11. 9. 28 I attended a meeting in the morning near the Spring Mill Naigaon. Jhabwala, Mirajkar, Nimbkar and Alwe accused were present and Kasle. The speeches of Alwe, Mirajkar, Nimbkar and Kasle are correctly recorded in Exh P. 1726.

On 13. 9. 28 I attended a meeting in the afternoon at Nagu Sayyaji's Wadi at which Kasle accused was present and spoke. His speech is correctly recorded in my report Exh P. 1727.

On 14. 9. 28 I attended a meeting in the morning at DeLisle Road at which Dange, Nimbkar, Alwe and Bradley were present, and Mirajkar. Bradley spoke and Mirajkar translated his speech into Marathi. His speech as translated into Marathi is correctly recorded in Exh P. 1728 my report.

On 16. 9. 28 I attended a meeting held behind the Gokhle Hotel in the afternoon at which Mirajkar, Bradley and Alwe spoke, Mirajkar as before translated Bradleys speech. The speeches of Mirajkar, Alwe and Bradley as translated by Mirajkar are correctly recorded in my report Exh P. 1729.

On 18. 9. 28 in afternoon I attended a meeting at DeLisle Road at which Dange, Jhabwala, Kasle, Bradley were present. On

this occasion Dange translated Bradley's speech and Jhabwala also spoke. The speeches of Bradley as translated by Dange and of Jhabwala are correctly recorded in my report Exh P. 1730.

On 21.9.28 in morning I was present at a meeting at DeLisle Road at which Kasle, Nimbkar, and Mirajkar were present. Kasle spoke and his speech is correctly reported in my report Exh P. 1731.

On 23. 9. 28 in morning I was present at a meeting at Lalbagh near Dinshaw Petit mill at which Mirajkar was present and spoke and his speech is correctly recorded in my note Exh P. 1732.

On 24. 9. 28 in morning I was present at a meeting in front of King Edward Memorial hospital, Parel, at which Kasle, Nimbkar and Alwe were present. Kasle spoke and his speech is correctly recorded in my report Exh P. 1733.

On 25. 9. 28 in morning I was present at a meeting at DeLisle Road at which Kasle was present and spoke. His speech is correctly recorded in my report Exh P. 1734.

On 27. 9. 28. in evening I was present at a meeting near the Spring Mills at which Joglekar, Nimbkar, Mirajkar and Kasle were present and Joglekar spoke. His speech is correctly recorded in my report Exh P. 1735.

On 28. 9. 28 in evening I was present at a meeting at De Lisle Road at which Mirajkar accused was present and spoke. His speech is correctly recorded in my report Exh P. 1736.

With regard to all these reports I sent them all in while the matter was fresh in my mind and I was satisfied at the time that my report was correct.

XXN. By Nimbkar accused. I was reporting strike meetings from 4th September 1928 to the last meeting of the strike, about 5 weeks in all. I had a man Mr. Thamane with me attending the meetings. He was not proficient and was only taking practice. He has some 20 years service. He was in our office only 3 years from 1927 to 1929. He was brought to the office to learn Marathi shorthand and as he was not found fit he was transferred. Mr. Deobhankar was there before me, that is in the strike meetings I replaced him owing to his ill health. These meetings during my 5 weeks were organised in the open air. Sometimes there were 2 meetings a day. I don't remember there being ever 5 or 6 meetings in a day in my time. I attended all meetings which I was ordered to attend. I got my orders from K. B. Petigara through Inspector Patwardhan. I used to attend meetings almost daily. I submitted some 30 or 35 reports during my 5 weeks. I did not see any of my reports again before I came to the Lower Court. In the Lower Court I saw only those that were put in. I can't say where the other reports. At these meetings various people including accused

used to speak daily. Some of the strikers also used to speak. I did report many other speeches of these accused besides those which are here. In all my reports the pencil corrections which now appear are not mine. Nor were those corrections made in my presence. Besides accused on 4. 9. 28 Parasram striker and one Ramchandra Aiya spoke. (Accused wishes to tender the speeches of these persons. Some arguments heard.)

Sd. R. L. Yorke

12. 1. 31

Continued on S. A. (I have read over since yesterday the 2 speeches of 3rd persons which accused wishes to tender in evidence. I cannot find that they can be relevant in any way and therefore decline to admit them.) In Exh P. 1725 10th September 1928 there are 2 speeches of Nimbkar accused reported. (Accused tenders these in evidence. Marked D. 629 (1) and (2).)

On 11th September Mr. Jhabwala also spoke. (Accused tenders his speech Jhabwala accused having no objection. Marked D. 630. Accused also wishes to tender the speech of one Mr. Godse. I have read this over and cannot find that it is relevant. I therefore do not admit it.)

On 13th September besides accused Gadkari and Parasram also spoke. (Accused wishes to tender the speeches of these 2 persons in evidence. I have read them through, and heard arguments at great length from accused, Mr. Sinha and Dange accused. In my opinion the speech is not admissible to prove the facts of which mention is made therein; for that purpose the person concerned must come forward and submit himself to cross-examination. For the rest it is argued that these speeches are admissible under section 9 of the Indian Evidence Act, in order to rebut an inference etc., etc. In my opinion these speeches are not relevant for that purpose and it would be impossible to say that these speeches are necessary in order to explain the speeches made on the same occasion by the accused. I must therefore decline to admit them in evidence.)

On 14th September 1928 Nimbkar accused also spoke. Paper marked D. 631 is the report I took of his speech. Mr. Gadkari also spoke. (Accused wishes to tender also this speech which consists mainly of an account of an alleged plot to kill Nimbkar and others. For reasons given already I do not consider it admissible.)

On 18th September besides the accused the following also spoke, Ramchandra, Gadkari, Kastle's son and Gokhle, and an old man whose name is not given. (Accused wishes to tender the speeches of Ramchandra, Gadkari and Gokhle. I have read these

through and do not think they are admissible for reasons given earlier and therefore decline to admit them.) By Court. Almost all the speakers in the strike meetings, and not only the accused, urged the strikers to go on with the strike until their demands were granted. By accused. Many of those other speakers were millhands. In all these reports the pencil writing is by someone else and not by me.

On 21 September 1928 Nimbkar accused also spoke. D. 632 is my report of his speech. On that occasion 'one striker' also spoke.

On 23rd September other speakers besides accused were Parasram, one teacher, Ramchandra, Kubal, Gadkari. (Accused tenders speeches of Parasram, Gadkari and Ramchandra. Orders tomorrow.)

Sd. R. L. Yorke

13. 1. 31

Continued on S. A. (Since yesterday I have read over the 3 speeches of these persons. In my opinion they are not relevant and I therefore decline to admit them).

On 24th September Nimbkar accused also spoke. D. 633 (1) and (2) are my reports of his speech. Besides the accused Gadkari, Marathe a Jobber, also spoke at this meeting. (Accused wishes to tender these speeches as showing the circumstances and general trend. I have read them through carefully as do not consider them relevant under section 9 by themselves. So far as they contain statements of facts they are equally inadmissible as evidence of the facts stated. I must therefore decline to admit them.)

On 25th September ( P. 1734 ) besides the accused the following also spoke: Gadkari twice, one teacher and Kasle's son. (Accused wishes to tender Gadkari's two speeches and the speech Kasle's son. Orders reserved).

On 27th September ( P. 1735 ) Nimbkar also made a speech and D. 634 is my report of it. On that occasion apart from accused the following also spoke: Sadashiv, Gadkari, Ramchandra, Ghadi, Parasram and two strikers whose names I dont know. (Accused wishes to tender speeches of 1, 2-3 and 5. Orders reserved).

On 28th September (P. 1736) besides accused 7 persons, Ghadi, one striker, Parasram, Ramchandra, one jobber, 2 strikers (Accused wishes to tender the speeches of Parasram and Ramchandra. Orders reserved.)

I have been doing reporting work since 1914. I cannot take down English speeches in English shorthand. My speed is 130 words per minute. I have never yet met a Marathi speaker who spoke at the rate of 150 words per minute. Joglekar's speed is from 100 to 130 and he is a fast speaker. Nimbkar's speed is not as fast as Joglekar. I cannot give his exact speed. I find no difficulty in taking down his speeches in the manner he spoke in those meetings. I have reported speeches in almost all Marathi speaking districts both in and outside Presidency. The fastest Marathi speaker I know is J. S. Karandikar of Poona; the late S.M. Paranjpye, N. C. Kelkar are also fast. Karandikar sometimes exceeds 130. I have never found it possible to follow him. I often reported S. M. Paranjpye but cannot give his exact speed. It would be between 100 and 130. I know B.R. Mankar shorthand reporter. He is the founder of the Marathi shorthand system but not an expert in it. The only experts are men like me and Deobhankar who can attain 100 words per minute. He (Mankar) can understand the speed of speakers. I do not think Mankar can take down Joglekar or Nimbkar in Marathi shorthand as he is in the habit of reporting in English. I do not know if he can report them accurately in English. I do not think he can report Marathi speeches verbatim as he does not take them down in Marathi. I can follow the Malvani dialect which some of the strikers actually used. I do not remember the meaning of technical terms in mill language now. I learnt some of them in 1928 and knew them then. For instance I do not now remember what garhikhata and trasankhata mean. I do not now remember how I translated them. I think I used the same word for trasynkhata and did not translate it; bhulerkhata the same. I did not compare my notes afterwards with anyone else's notes. I do not remember if I ever saw newspaper reporters at any of the meetings which I reported. I think I can read my shorthand notes at any time. I can speak for myself only. My notes are in pencil. So far as I can say I can read my notes at any time, as I have done in this case. Mr. Deobhankar has done the same and so he can do so too. I was never called as a witness before the Bombay Riots Inquiry Committee to give evidence about these speeches. I am not aware whether and if so how they have utilised these speeches. I do not know whether the Commissioner of Police used to send these reports in a typed form to the Government of Bombay daily. Recently I was asked to transcribe all these speeches into Marathi. I have submitted all these reports so transcribed. In the ordinary course of my duties I submit my reports in English. I am a Matriculation-passed man. I found no difficulty in understanding the economic or scientific term used in these speeches. They are ordinary speeches. I think I have translated the speeches of the late Mr. Paranjpye satisfactorily.

I reported the Belgaon speeches of Tilak, in 1916. Mr. Tilak was prosecuted for those speeches, one at Belgaon and one at Ahmedangar. I was cross-examined in that case, by Mr. Jinnah. Mr. Tilak was acquitted on legal points in appeal. I might translate 'crisis' in phrase 'a crisis in the industry' as 'anibanichiver'. The literal meaning is 'an extenuating circumstance.' I should translate 'samrajshahi as Imperialism.' For 'white terror' I might use 'safedkhatirichi bhiti'. Literally it is 'terror of the white skin'. I would translate 'lokashahi' as democracy or rule of the people. For Communism the same word is used in Marathi. (Witness was then asked to report the passage in Exh P. 1710 in Marathi version, which accused Nimbkar dictated in 1 minute 46 seconds approximately. Interpreter says one complete line in printed Marathi version omitted by accused in this dictation. Note: total number of words 266 which give a speed of 152 words per minute. The passage is marked as A at beginning and B at end in the original Marathi transcription which is marked P. 1710 M (1). Passage accidentally omitted is marked C.) I have written it in Mundhi script ( Comparison of transcription made by Interpreter reading over while witness followed with his shorthand notes).

Sd. R. L. Yorke

14-1-31

Accused tenders in evidence the portion of P. 1710 M (1) Defence from which he dictated yesterday and also the shorthand notes and transcription prepared by this witness yesterday. These are marked D. 635 (1) and (2). He then closes his cross-examination.

By Joglekar accused. All my reports of speeches are verbatim reports. My orders were to report the meetings. (In answer to question were you ordered to take verbatim reports witness had first said Yes.) But so far as my ability goes I have taken verbatim report in shorthand. That is my ordinary duty. We always submit our reports in English, that is translations of the verbatim Marathi report. That was the practice we followed in these meetings. I was asked to report Marathi speeches in the Maharashtra Provincial Conference at Poona in May 1928, and also the Peasant's Conference held there in July 1928. My impression is that I have never reported any speech of Thengde accused.

In the strike meetings Thammane was all along attending with me. I never took a rest while he reported. He was taking notes. In cases where 2 of us go to report and both are competent to report we divide the reporting work. In such cases we both

sign it. Volunteers. Even if one prepares the report we both sign it. I dont now remember what was said by the speakers. I was taking down by sound and in so doing even if the meaning is unintelligible I take down a record of the sound. I infer from date 27-28 on P. 1735 that I sent it in 2 parts. There is also a note 'supplement etc.' On page 54 which suggests that up to there was submitted on 27th and the rest on 28th. There is no endorsement or signature at foot of page 54. I used to submit the report through the peon who came to me for it from the Commissioner of Deputy Commissioner or Mr. Patwardhan. No time was fixed for the peon to come. I cant remember how long it took me to prepare that report, from 10 to 12 hours. I dont remember the time at which I submitted the last portion of the report on 28th. I may on occasions owing to pressure of work have got into arrears with my transcriptions. I was hard pressed by work in those days. I sometimes reported 2 meetings in a day. I may even have been 2 or 3 meetings in arrears. (Crossxxn proceeds on the footing that the Marathi transcriptions in accused's hands exactly represent what is in the shorthand notes.)

P. 1735. there is no corresponding word in Marath for 'as regards the settlement.' I presume now that I must have put it in because I thought the speaker in talking about bends was referring to settlement. 'It' refers to the words 'As regards etc'. The words 'as regards the settlement' or 'over the settlement' do not occur twice in Marathi. I cant say now how I came to repeat the phrase, in translating. (At this stage the question of the position of the Marathi transcriptions was further considered. The Court concluded that the real position now is that the transcriptions recently prepared at Poona from the Marathi shorthand notes represent what the speakers actually said and that the English transcriptions cannot be said to do so. Nor are they exact translations of the transcriptions but translations made simultaneously with mental transcription. The Marathi transcriptions must therefore be brought on the record. Ordered that this be done and that they be marked accordingly P. 1724 M to P. 1736 M.)

By Court. I have gone through my report Exh P. 1735 and find that it gives almost exactly the sense of the Marathi transcription Exh P. 1735 M. The Marathi transcriptions shown to me Exh P. 1724 M to P. 1736 M are those which I prepared recently under the orders of this Court. They are transcriptions only of those speeches of accused which were exhibited in the Lower Court. The numbers are P. 1724 M, P. 1725 M, P. 1726 M, (1) to (4), P. 1727 M, P. 1728 M, P. 1729 M, (1) to (3), and (1) a, and P 1729 (1), P 1730 M. (1) and (2), P 1731 M, P. 1732 M, P. 1733 M, P. 1734 M, P. 1735 M and P. 1736 M. My report is not a

word for word translation of P. 1735 M. There may be some omissions in the translation but not additions. Some omissions may be due to repetition by the speaker or an elaboration of the same idea. In such cases I might have given a gist. I don't remember any other omissions apart from those of this type nor any particular omissions. I might have omitted things which I thought unimportant. I can't say whether I omitted any portions which I could not make out. I have marked with a cross in my transcriptions any portion in which I found difficulty in transcribing. I took no one's help in making my Marathi transcriptions. Literally the sentence 'I stand etc.' runs 'it is necessary.' In next sentence it is literally 'discussion is going on over the settlement of the strike'. After 'yesterday evening' add 7.30 p.m. In mental translation I might have used a dictionary when necessary, some pocket dictionary. I have not got it here. I can't remember whether I found all the words I require in that. I did not refer to any book of idioms or quotations. Although etc may read although it cannot definitely be said now what etc. For 'mild stand' read milder stand than before. 'Overpowered' is I think the correct translation but it means 'at their wits end' or if you like 'despondent.' In same sentence I have omitted words meaning 'this is the sure sign of it.' In sentence about 'solidarity' I have omitted a word meaning 'truthfully' because it is not good Marathi. The word for solidarity means 'persistent application to a thing.' For the words 'I am sure' there is no Marathi word. There follows a sentence meaning 'if you maintain the same strength which you have exhibited in carrying on the strike' which I have omitted. There is also a sentence meaning 'if you continue the same conditions hereafter and if you hold on like this for some days more' omitted. There is no word 'of your penance' in the Marathi. After 'yesterday' add 'evening 7.30.' There is no word in Marathi for 'the morsel.' I did not correct 'in the Marathi Kingdom' to in the times of the Peshwa because I thought the speaker wrong. He was actually in Peshwa's time and it does not misconstrue the meaning of the sentence. Nor did I correct it because it made no sense. I did it because it made no difference. The phrases 'a famous warrior' and 'a gluttonous fellow' stand for a number of sentences in Marathi which were unimportant and I therefore omitted them. In next sentence I have written Peshwa for a word meaning 'owner.' The omissions I made were because I was writing a police report.

Sd. R. L. Yorke

15-1-31

Mr. Abhyankar (Court Interpreter)'s note on differences between original in P. 1710 M (1) and in Deshpande's transcription for dictated notes, which has been agreed to by Nimbkar accd. is placed on record and marked D. 635 (3).



Heard arguments in regard to the admission on record from P. 1724 M to P. 1736 M. Mr. Sinha argues that prosecution should have had these prepared and tendered them in Lower Court and defence are now taken by surprise. Crown Counsel points out that the position has arisen through cross-examination. The witness originally stated that his English reports contained what the accused said in their speeches. In consequence of the accused having been provided *in advance* with the Marathi transcription (thus eliminating any genuine element of surprise) he has been cross-examined on those transcriptions and now states that those transcriptions really contain what they said. The Court in view of that statement ought to put those transcriptions on the record. In my opinion when the Court knows that the English reports are questioned, and has the original verbatim reports available it is in duty bound to bring those originals on the record and use them subject to the result of any cross-examination of the reporter as to their correctness, and of the translation as to their meaning.

Sd. R. L. Yorke

16. 1. 31

Continued on S. A.

By Joglekar accused. The translations (By Court, or reports which I submitted were for police purposes. Volunteers: you will see I have headed them report in each case. By accused. I was never given orders to follow any accused in order to take reports of his speeches. I have taken reports of Joglekar accused's speeches at Railway Union meetings, public meetings. I mean meetings at which the public are admitted. Those were meetings held for the purposes of the Union. I did not see any handbills or newspaper announcements of those meetings but went under orders of my official superior to attend such and such a meeting. Those meetings were held in station compounds or outside such compounds: at Chhalisgaon and Pachora. I reported speeches of Joglekar and Bradley accused at both places. I also reported a speech of Joglekar at the 1928 Maharashtra Provincial Conference. On page 26 English in my report I have said 'create divisions' but in the Marathi the phrase is 'incite to violence.' 'And so on' means more was said which I omitted. There are no actual words for 'through their speeches' but is in the sense.

'They' in the sentence, 'in their heat of speeches' means 'these untrained speakers.' There are no actual words for 'brute force' in original and no words which actually mean 'I can defy', or 'soul force.' The speaker sets the strength of the people against 2 warns i. e. police reporters. The sentence You are allowed to go etc is for the Marathi words meaning literally 'then they say that

in the end it is we (they) who are for protection and safety.' Near bottom of page 28 'anybody from our Party' should be 'us'. At top of page 29 there is no Marathi in my report for the sentence 'they should first report etc.' What I have in my notes for the sentence when the lion comes out of his cage: the words in my notes and transcription are 'pura-toranchi apeksha, jasta mahatwa sodun tumsee polis lashkar etc. The shorthand sign for apeksha and upeksha are not the same. 'apeksha' I have translated without taking care. There are no words meaning literally 'since the beginning of the strike,' or 'Rao Sahib.'

Sd. R. L. Yorke

16. 1. 31

Continued on S. A. There are no exact word for 'you will capture these institutions no doubt etc.' The correct translation is "you will of course do the word of (capturing) the Congress as it is a matter of 2 days (today and tomorrow lit.) After these 2 days you have to go on further and make some arrangements to see that the Labour movement goes on." In the Marathi the words with reference to which I have written 'go a step further' are 'Tyachyahi pubhe jauna' meaning literally. 'But going even after that.' The press and the newspapers is a translation of one single word.

P. 1736. There is no particular word for 'in camera meeting. Similarly there is no exact Marathi for 'that the strike prolonged to 6 months etc on page 32, To Court. It is more or less a summary. To accused. The sentence does not seem to me incomplete. On page 33 there is nothing literally meaning 'affiliated.' The phrase 'the labours as a whole etc' represents a long passage in Marathi which I merely summarised omitting the details. 'Capitalism' in line 5 from bottom of page 33 similarly represents a long list of things from which agriculturists are suffering.

P. 1729. For Bradley's speech I took Mirajkar accused's translation in full and tried to take some notes of Bradley accused himself. In P. 1720 (1) what is in English is from Bradley direct and what is in Marathi is from Mirajkar. What Bradley said was rather elaborated by Mirajkar accused. The words 'since I came to India and joined your movement' in P. 1729 do not occur in English or Marathi in P. 1729M, and may be from memory. The words 'come here with the intention etc' are not in Bradley's long-hand or in Marathi. They may be from memory as I used my memory also in Bradley's case, in the case of the English notes.

In reporting in shorthand I sometimes write a Marathi word in mundi (running hand Marathi), and sometimes a sentence. In the case of Mirajkar's speech on 16th September I have written in

longhand in the margin and partly between the lines. They do not exactly tally but may be the points are in Mundi. The first 4 pages of the shorthand notes have been so written in the margin etc. By Court. While I was reporting I have written in the margin. I did it when I was reading my shorthand notes in order to prepare my report. I often wrote such marginal notes at time of preparing reports. (Witness pointed out such notes to the Court) By accused. I did the same for several passages in P. 1735 shorthand notes. I have not done it everywhere. It was my discretion and there was no particular rule which I followed. In certain speeches not exhibited where speaker went very slow I may have taken complete or more or less complete Mundi notes where I found the speaker going very slow. We don't usually make a full Marathi transcription before preparing our reports.

By Nimbkar accused with permission in view of change about Exhibits: My deposition was read over to me in Lower Court and I found it correct. I said there that I took shorthand reports in Marathi and transcribed them into English. I also said about 1724 that the original transcript without the erasures and corrections in pencil by somebody else, was correct. I also said later that 'all these speeches were correctly taken down in Marathi and the transcriptions are correct transcriptions of the Marathi notes.' The present Marathi transcriptions have been prepared by me during the last 3 months. I never said in the Lower Court that my reports were gist reports. In these meetings there used to be a bench or table from which the speakers used to speak. There was no other sitting accommodation except to sit on the ground. We were given seats on the ground very near the speakers. That is we could get seats there. No one objected to my sitting there. We did not bring any tables or chairs with us. We had to take reports in the rainy season also. All the meetings were open air meetings. If there was rain the meeting continued and I worked under an umbrella.

By Alwe accused. Alwe accused made speeches in good Marathi and not in the Malvani dialect. There are differences between standard Marathi and Malvani. A man need not be an educated man to speak good Marathi. Alwe accused spoke all right but I can't remember whether he spoke fast or stumblingly. There was no election or express appointment of a president at the strike meetings. Some persons other than accused spoke at most of the meetings which I attended. Those persons appeared to be millworkers. I took a report of every Marathi speaker but where I did not know the name I wrote 'a jobber' or a striker. I used to attend each meeting at the time announced for the meeting. I might have attended even meetings which were fixed for say 7 and

held actually at 10. I dont remember finding a meeting had started before I got there. I used to find the people already gathered. I never made a report by asking some one else when I arrived too late to attend a meeting. I never put in the name of Alwe when someone rose to speak whom I did not know.

By Mr. Sinha for Thengde and Banerjee, accused. Both my English report and my Marathi transcription are both correct but the Marathi transcription is verbatim. If there is a difference anywhere the Marathi report is to be considered more reliable. I and Mr. Thammane were the only police reporters present but the local police may have had men there too who were not reporters. I made no notebooks of the presence or absence of other Policemen at the meetings. Generally there were other policemen at all the meeting. I cant say whether any of those policemen took any notes. I myself did not see them do so but I might not have been in a position to see. Before I went to report the strike meetings I had not ever reported other meetings at Bombay addressed by the accused. For the 5 or 6 months before September 1928 I was at Poona. I can probably recognise some of those persons whose speeches I reported at meetings at which I reported speeches of accused. I know Dange and Nimbkar accused before I started reporting. I learned the names of the others when I first saw them from Mr. Thammane. The 1st meeting I attended was on 4th September. I learned the name of Kasle's son because strikers used to say here comes Kasle's son. I can recognise him now if I see him. The boy sitting on the ground in middle in P 459 looks to me like Kasle's son. (The speech of Alwe reported in P 1728 is tendered on behalf of Alwe and marked D 631 A.) That is my report of Alwe's speech made on 14th September 1928. At the tests I mentioned we are not required to transcribe into English but into Marathi. Mr. Thammane also used to take notes by way of practice in these meetings. He did not help me in transcribing. The comparison he made of his notes with mine which I mentioned in Lower Court was for his own purposes. All the English reports bear his signature as well as mine. It was because he attended the meetings. He was not ordered to submit report of the meetings which he attended. There was no other reason why his name was put to the reports. I said in the Lower Court 'sometimes I go alone to report and sometimes I have assistance.' For my shorthand purposes I had no assistance from Mr. Thammane and I dont include him in the term 'assistance.' By assistance I mean assistance of a competent man like myself or Deobhankar. I had no assistance from anyone in these strike meetings, nor in transcribing these notes. In the Lower Court I said 'my shorthand notes cannot be checked without my assistance' I went back to Poona after the strike. Mr. Thammane is now in Thana district. As soon as each note-book

was finished it was submitted to the office of Deputy Commissioner of Police Bombay. The next time I saw them was in the office of the Sessions Judge of Poona, some 3 months ago, except that I saw them at the time of giving evidence in the Lower Court. It does make a difference whether I transcribe after 2 years or after 2 days. In the later case the memory is fresh while in the former I have to struggle with my outlines.

By other accused Njl.

REXXN. By my statement that 'besides accused on 4-9-28 other persons spoke' I meant 'besides persons who are accused in this case. The same holds good in all the cases where I said that besides accused or apart from accused other persons also spoke. (Witness have passed a note to Crown Counsel in the following terms: as regards my shorthand note transcribed in the Court Nimbkar went extra fast and therefore there were mistakes at the end. I am asked by Mr. Sinha to make a note of this.) By Counsel. Do you wish to explain something about the test put to you in Court. Answer. Yes. I have seen D 635 (3) Interpreters note of differences between actual passage read out to witness and witness's transcription of his notes of the same as read out to him in Court.) I have only to say that the omissions were due to the great speed at which Nimbkar accused read. In my experience the very fast speakers do not speak continuously at the very fast speed. They stop at times. So one is able to keep up. The Marathi transcriptions Exhs P 1724 M to P 1736 M are correct transcriptions of the shorthand notes which I took on the spot of those speeches. Those shorthand notes are before me in Court and have been referred to in cross-examination.

By Court at request of Mr. Sinha. Why did you not complain of Nimbkar accused's speech immediately after the test? Ans. There is complaint but I have to explain why omissions occurred.

Q. Why did you not offer an explanation immediately after you prepared your transcription? Ans. I expected to be asked questions on the point. Suggested by Crown Counsel. Is that why you were so keen to be asked before you left the witness box? Ans. Yes.

Sd/- R. L. Yorke.

17.1.31.

At suggestion of accused Nimbkar:—

Did you write the slip D 636 while you were being re-examined? Ans. Yes.

Q. When were you shown D 635 (3)? Ans. It came to me at that time after I had passed the slip. Q. Did you get the paper on which D 636 is written from Mr. Nabi? Ans. Yes.

Sd/- R. L. Yorke

19.1.31.

Read and admitted correct.

Order

I have since read through the reports which accompany P. 1734, P. 1735 and P 1736 of speeches of 3rd persons which accused Nimbkar tendered in evidence. In my opinion for reasons given earlier in the record of P. W. 276's evidence they are not admissible, in evidence and are therefore not admitted.

Sd/- R. L. Yorke.

20. 1.31.

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Saraswati Machine Printing Press Meerut U. P. India.

*Mr. R. Stott on S. A. No 307. In English.*

I am the Government Examiner of Questioned Documents, in the Intelligence Bureau of the Government of India, Home Department. I was Assistant Examiner from 1920 to 1926 and since then I have been in my present appointment. I am an expert in the identification of handwriting and also typewriting. I am also a M. A. of London University.

I saw exhibit P 1859 some years ago. I first saw it with Mr. Jacob the Deputy Commissioner of Police Bombay. I happened to be in Bombay as far as I recollect and as my records show about the middle of February 1927. I happened to be seeing him in his office on business then, when he showed me this document. He asked me if I could see any more or less invisible writing in it and asked me to do my best to decipher what was written in that more or less invisible writing. I remember that I was able to read everything that was written in the invisible ink and I gave Mr. Jacob my transcription of the matter so written. That was all done in the office at that time. I was able to do this because the writing was fairly visible with the help of good lighting and a magnifying glass, though some of it was so difficult to see that I had to guess to some extent. I think it was found afterwards that I had made one mistake from what was afterwards found to be correct. Mr. Jacob at the same time asked me if I could see signs of any further writing in an invisible ink apart from the matter I had transcribed for him and in this connection as well as in connection with the more or less invisible writing he asked me to name chemicals which would develop or make more visible any invisible writing. I suggested certain chemicals to him. I can't remember the exact chemicals I recommended. In my opinion certain invisible inks could easily have developed to the extent I found it had developed in P 1859 at that time by exposure to the atmosphere, even shut up in an envelope, for a week or two. Since I saw P 1859 then the variously coloured stains on it have appeared. I don't think that at the time when I saw P 1859 originally the invisible writing would have come out in an ordinarily taken photograph. It probably would with special screening and special plates. Apart from the appearance of stains the more or less invisible writing has now become more visible and stands out browner.

Crown Counsel asks witness question regarding use of Tincture of Iodine as or in connection with sympathetic inks. Mr. Sinha objects that it is a question for an expert in Chemistry. (I think the question may be one of experience and if witness knows

he can depose on the point). Tincture of Iodine would not normally be used for writing invisible writing, because it would show up brown or yellow and not be invisible. It could be used for developing invisible writing written with a solution of starch. Hydrogen Peroxide would not be used for writing invisible writing, the reason being that under ordinary conditions it turns into water and evaporates leaving a trace which is difficult if not impossible to develop. It could be used for developing any invisible ink writing which on oxidation becomes coloured. I know very little about vegetable oil and can only say that it might produce a fairly invisible writing. P 1563 I know the chemical compound called Potassium Iodide. Asked whether Potassium Iodide could be used for invisible writing or to bring up invisible writing witness said: a solution of Potassium Iodide in water could be used as an invisible ink. It would be invisible when applied but with exposure to the atmosphere even inside an envelope would turn yellow or brown owing to Iodine being set free. It would not be used for developing invisible writing except in so far as Iodine or some other potassium salt would serve the same purpose. Q. Could writing done with Potassium Iodide be brought out by applying Hydrogen Peroxide? Ans. Yes. Hydrogen Peroxide would develop such writing, by again releasing Iodine. So far as I know there is no such compound as Hydrogen Perchloride, or Perchlorate.

Many documents have been given to me by the prosecution for the purpose of forming an opinion as to the handwriting. I have studied those documents carefully and formed an opinion.

In my opinion the person who wrote the signature *G. Adhikari* on P 2303 S, P 2304 S, on page 16 of P 2484, on P 2493, and who wrote exhibits P 2331, P 2479, the original of P 2288 P, and of P 2289 P, also wrote the signature on the front cover of P 1194, and wrote exhibits P 1170, P 1171, P 1172, and P 1173. In reference to 2331 and P 2479 I refer only to the portions encircled in red and blue pencil. (Note: *Adhikari*. Opinion, 1).

I am of the opinion that the person who wrote the encircled parts of P 1943 S, and P 1944 S and who wrote the pale blue ink writing on P2319 also wrote the originals of P2313 P and P2407 P. (Note: *Ajudhia Prasad*. Opinion, 2).

In my opinion the person who wrote the original of P2273P, and the signatures 'Gopal Basak' on P2303S, P2304S, and P2493, and the original of the English on P 2274 P, also wrote P 254, P 255, P 391, P 549 (19), P 549 (21) P the corrections in black ink at the bottom of page 13 of P 145, the page containing my office stamp (the second page of the document) and all the following



pages of P 284, the original of the English on 2059 P & PE, and the original of P 2165 P & PE. (Note: *Gopal Basak*. Opinion, 3).

In my opinion the person who signed B. F. Bradley on P 2303 S, P 2304 S, P 2493, and page 2 of P 2484 and who wrote and signed the original of P 2279 P also wrote P 650, P 873, the writing below the red line on the last page of P 1348 (46), and the 2 signatures and the address below one of them on P 1504 (A), and the green ink writing on P 1759. (Note: *Bradley*. Opinion, 4).

I am of the opinion that the person who wrote P 1885 (body writing and signature), and signature S. A. Dange on P 2303 S, on P 2304 S, on P 2493, the bodywriting signature and the blue-enclosed portion on one side of P 2477 and the blue-enclosed part of P 2478 also wrote the initials S. A. D. at the end of P. 1287 (2), the signature and the words just below it on P 1287 (3), the words 'unanimously' to 'president' on page 7 of P 1365 and the encircled part on the page facing those words, P 2512, and the bodywriting of P 1348 (14) excluding the signatures and initials and the word 'accepted' on back of page 5. (Note: *Dange*. Opinion, 5).

I am of the opinion that the person who wrote the original of Exh P 2290P, the blue enclosed part of P 2476 and the original of P 2290 (1) P also wrote the parts of P 1261 marked with a blue line and with my office stamp. (Note: *Desai*. Opinion, 6).

I am of the opinion that the person who wrote the original of Exh P 2280 P, and of P 2281 P, and who signed S. V. Ghate on P 2304S, on page 12 of P2484. and on P 2493 also wrote the signature on P 420, the whole of P 1011, the signature on P 1228, and on P 1252, the writing of P 1295, of P 1296, of P 1297, of P 1300, of P 1303 excluding the signature at end K. N. Joglekar the word Chairman and the date, the writing of P 1305, 1309, P 1310, P2186, P2187, the original of P 2325P, the signature on P2519, and on P2090, and the writing on P1373 (14). (Note: *Ghate*. Opinion 7).

I am of the opinion that the person who wrote signature and body writing in P 2272 (1), P 2271, P2272 and the signatures Kishori Lal Ghosh on P2303 S and P 2304 S and on page 9 of P 2484 also wrote the original of P 1628P excluding the writing on the envelope and P 2510. (Note: *K. L. Ghosh*. Opinion, 8)

I am of the opinion that the person who wrote the original of P 2270P, and the signature Dharni Goswami on P 2303 S and on P 2304 S and on P2484 page 5 and on P 2493 also wrote the words 'please have...Goswami' on P548 (8) as well as the manuscript addition at the bottom of the said exhibit. (Note: *Goswami*. Opinion,9).

(Sd.) R. L. Yorke

19.1-31.

Continued on S. A. I am of the opinion that the person who wrote the original of P 2282P, the red-enclosed part of P2481, and the original of P 2282(1)P *also wrote* in the original of P1939P the words 'Central Komittee received Jhabwala' and the designation of sender S. H. Jhabwala, Khar, Bombay, (Note: Jhabwala. Opinion 10).

In my opinion the person who wrote the original of P 2284 and of P 2284 (1) P *also wrote* the whole of Exh P 1124 excepting the interpolation on page 5. (Note: *Joglekar*. Opinion 11.)

In my opinion the person who wrote the original of Exh P 2294 P and of P 2295P and who signed P.C. Joshi on P 2303 S, on P 2304S, and on P2493 *also wrote* P 126, P526 (8), and the English writing on the last side of P 209. It is also extremely likely that this writer wrote the little bits of English on the following Hindi documents but owing to the small amount of the English writing I cannot be definite: P 195, P197, P 210, P. 427, and the English words written with copying pencil in P318. (Note: *P.C. Joshi*. Opinion 12).

I am of the opinion that the person who wrote Lakshman Rao Kadam on P 2303 S and on P 2493 and on P 2304 S *also wrote* the same signature in 2 places on P 1350 (8) that is on the membership form included in that number. I think the truth of this opinion will be evident without detailed reasons though I am prepared to give them if necessary. (Note: *Kadam*. Opinion 13.)

I am of the opinion that the person who signed the signature M. A. Majid on P2475 and on P 2303S and on P 2304 S and on P 2493 and on page 21 of 2484 and who wrote the original of the English on P2299P (*also wrote* the signature on P526 (24)). I have carefully examined the signature on P 526 (24) for signs of forgery but have found none. It is freely written without special attention to the writing process. How closely it resembles the other will be apparent from the juxtaposed photograph of these signatures which I present to the Court. (Mr. Sinha objects to the juxtaposed photograph that is a photograph of all these signatures taken on a single plate being put on the record. He says it does not come under the evidence act and the section regarding opinions of experts permits the expert to give opinions but not to furnish the Court with fresh materials.

Secondly a juxtaposed photo is a copy and subject to the limitations of the law in regard to copies and secondary evidence. Crown Counsel relies on sections 51 and 46 of the Evidence Act. The grounds are relevant and these are part of them. Mr. Sinha urges in reply that these photographs are document and not facts. But they are clearly not tendered as documents in the sense of the definition but as facts and I think they are admissible. When all

is said and done they are only a mechanical means of seeing all the signatures in juxtaposition without on every occasion ranging them together in original. I think this is a reasonable facility and one of which the law cannot be considered to deprive the court. The objection is over ruled. (Photograph admitted and marked Exh P 2530) (Note: *Majid*. Opinion 14).

In my opinion the person who wrote the signatures R. S. Nimbkar on P 2303S, on P 2304S, on 2493, on the original of P2286P and on the original of P2286 (1) P also wrote the signatures on the original of P 2163P and of P2403P, and on P780. I have carefully examined the last 3 signatures for signs of forgery but have found none. They have been freely and carelessly written and their close resemblance to the other signatures is such that there is no need of detailing by me as will appear from the juxtaposed photograph which I present to the Court: marked Exh P2531 (Mr. Sinha asks me to note that his objection to P2530 be taken as applying to all such photographs). (Note: *Nimbkar*: Opinion 16.)

In my opinion the person who signed the signatures Shaukat Usmani on P2303 S, P2304, and on page 4 of P2484 and who wrote and signed the original of P2287P and the red-enclosed part of P2480 also wrote and signed P 1287 (5) excluding the blue-encircled portion at the top, the manuscript and signature in the left margin of P995 and signed P1574. I have examined the writings and signatures in the latter batch of documents for signs of forgery but have found none. They are freely and carelessly written and I think the resemblances between the 2 batches will be sufficiently evident without being detailed as will appear from the juxtaposed photograph of the signatures which I present to the Court marked P. 2532 (Note: *Usmani*. Opinion 17).

In my opinion the person who signed the signatures Sohan Singh Josh on P.2303S, on P.2304S, on page 20 of P.2484, on P.2493, on P. 883, on P. 917, on the original of P. 2300 P also signed the signature Sohan Singh on P. 419, P. 485, P. 549 (18) in 2 places, P. 609, P. 1085, P. 1234, P. 1403 on pages 1, 2, 3, & 7, P. 1637, P. 1638, P. 1639, P. 1640, and on the originals of P. 1642 P, of P. 2052 P, of P. 2053 P, of P. 2151 P, and of P. 2164 P. I have juxtaposed all the above mentioned signatures for ease of comparison in the photograph which I tender (marked Exh P 2533) and from the photograph it will be seen how closely the questioned signatures agree with the standard ones in the slightly differing types of signatures. I have carefully examined the questioned signatures for signs of forgery but have none in them. They are just as freely and fluently written as the standard signatures. I do not think it necessary to give detailed reasons in support of this opinion. In my opinion the writer of the Urdu on the original of P 2301 P also

wrote the Urdu on the pages of P 909 and P 910 that bear my office stamp. (Note: *Sohan Singh Jhosh*. Opinion 18.)

I am of the opinion that the person who signed P. Spratt on P 2303 S, on P. 2304 S, on page 1 of P. 2484, on P. 2493, and who wrote the original of P 2268 P and the red-enclosed writing excepting the words U. S. America on P 2442 *also wrote* in P 546 (6) the manuscript 'on the basis ..... of the masses,' the manuscript in blue black ink on the back of the half sheet marked 3 in green ink in P 1759, P 1876, the original of the signature on P 1833 P, the signature Philip Spratt on P1503, and the signature P.Spratt on 2520 (1). (Note: *Spratt*, Opinion 19.)

I am of the opinion that the person who signed the signature R. Page Arnot on P. 2361, on P 2462 (1), and on P 2462 (3) and on P 2462 (4), (5) and (6) and who wrote the blue-enclosed part of P 2462 (2) *also wrote* the signatures on P 2386, P 1951, P. 2431 (1), P 1952 and the original of the signature on P 2382 (P) (1). (Note: *Page Arnot*. Opinion 20.)

In my opinion the person who signed and wrote declaration to be made by applicant for passport up to line 1 of P 2337 who signed Thomas Bell on P 2359, P. 2360, P 2444 and P. 2445 *also wrote* so far as I can see the signature which was used for producing the rubber stamp with which the signature on P 2333 (1) was made. I wish to tender the juxtaposed photograph marked P 2534, from which it will be obvious without detailed reasons how closely the signature on P 2333 (1) resembles the rest. (Note: *Thomas bell*. Opinion 21.)

In my opinion the person who wrote and signed P 1469 *also wrote* and signed P. 77, the name or signature in P 1495 encircled in red, and the pencil writing on P 1949 (front side) from the juxtaposed photograph of the 3 signatures which I tender it marked P 2536 will be seen how closely they resemble one another. I have examined them for signs of forgery but have found none. They are fairly distinctive in themselves. As regards the handwriting I draw attention to the peculiar design of the Capital i, the capital t and the occasional open small o, as found in the words oblige in P 1469 and the last word 'proletarian' just above the word Leninism towards the bottom of P, 1949. The design of the capital i is so distinctive as almost to suffice to identify this writer. I can give further reasons if required. (Note: *Donald Campbell* Opinion 22.)

In my opinion the following signatures V.Chattopadhyaya and Chatto were all written by one person: namely those on the originals of P.1645P, of P 1647 P, of P 1649 P, on P 2344, on P 1348 (23) on P1348(27), on P.1348(29), on the original of P1603P and of P1610P,

on P. 1633, on P 1644, on P 1646, on the original of P 1655 P, on P 1680, on P 1805, on the originals of 1866 P, P 1998 P, P1998 (P1), P 1998 (P2) and P1998 (P3), on P2014, on P 2030 and on P 2211. This writer wrote so far as I can see the original signature used for producing the rubber stamp with which the signatures were made on P 1804 and on P 1652 B. I have carefully examined these signatures for signs of forgery but have found none From their juxtaposed photograph which I tender (marked P2536) they will all be seen to have been written speedily, carelessly and with little variation. (Note: *V. Chatteropadhyaya*. Opinion 23.)

In my opinion the person who wrote the blue enclosed part of P. 2447 and the part above the red line, the parts above 2 red lines on P.2356 and the signature C. P. Dutt on the photograph attached thereto, the signature C.P. Dutt on P 2446, the signature and writing below it on P. 2448 and the writing and signature on P 2449 also wrote the signature on P 345, the ink writing on P.1012, the signature on P1348 (34), the whole of P.526 (42), the signature on P. 526 (45), on P. 1233, on the original of P.1658 P and the initials on the original of P 1659, the signature on P.2346, and the original of the manuscript letter P.2387 (P1). I wish to add that P. 2063 P is a photographic reproduction of P. 526 (42) (Note: *C. P. Dutt*. Opinion 24.)

In my opinion the signatures on the originals of P. 2394 P2 and on P. 2139 were both written by the same person. I should have preferred a few more signatures for comparison. I can find no reason however for doubting the correctness of this opinion, though this signature could fairly easily be successfully forged. (Note: *R. P. Dutt*. Opinion 25.)

In my opinion the person who wrote the red-encircled signature on P. 1397, and on P. 1402 also wrote the signature on P.1886 and the originals of the 2 signatures on P.1890 P. From the juxtaposed photograph which I tender (marked Exh P.2537) it will be seen how closely these signatures resemble. I have examined them for signs of forgery but have found none. The 3 latter signatures have been written quite as freely, fluently and with quite as little care as the former signatures. (Note: *Firoz Din Mansur*. Opinion 26.)

In my opinion the writing in blue black ink above the 2 blue lines on P. 2340, the signature on P. 1807 and on P. 1807 (1) and the writing on the original of P. 2002 PE were all written by the same person. I have examined the above signatures and writing for signs of forgery but have found none. The close resemblance among the signatures will be obvious from the juxtaposed photograph which I tender (P. 2538). (Note: *Glyn Evans*. Opinion 27.)

I am of the opinion that the original signatures used for producing the rubber stamp which made the signatures on P. 2142, and P. 1355 (5) were in all probability made by the same person as wrote the signature on the original of P. 2404 P. I have carefully examined these signatures for signs of forgery but have found none. Their close resemblance will be seen from the juxtaposed photograph which I tender (marked Exh P. 2539). (Note: *A. Inkpin*. Opinion 28.)

In my opinion the person who wrote the signatures on P. 2180 also wrote that on P. 81 and on the original of P. 1999 P. I have carefully examined these signatures for signs of forgery but have found none. The close degree of resemblance among these signatures will be clear from the juxtaposed photograph of them which I tender (marked Exh P. 2540) (Note: *J. W. Johnstone*. Opinion 29.)

I am of the opinion that the person who wrote the red-enclosed part of P. 2456, the original of P. 2457 (PI), and P. 1281 also wrote the originals of P. 2421 P & PE. For reasons to be explained later I wish to tender my juxtaposed photograph of parts of these writings and with them my photographs of the originals exhibits above mentioned with the lines numbered to form a key for the juxtaposed photograph. The questioned exhibit P. 2421 P bears no signature such as is borne in the standards and therefore a comparison of individual words was necessary. (Photos tendered marked P. 2541 (1) to (6)). From the juxtaposed photograph I think the correctness of the opinion will be obvious without detailed reasons, as the similarities in detailed design of letters are so extraordinarily close and unvarying. In P. 2541 I would draw special attention to the following: not the large square initial small r, which is the deepest letter in the words 'received' etc: in the next section of P. 2541 note the usual low beginning of the y, the breadth of the top of the y, the height of the top of the y above the o, the convex joining stroke from o to u, the flat pointed terminal in the u of 'you': in the next section of P. 2541: not the various forms of small f, the occasional open o in of, the height of the cross stroke of f: in the 5th section of P. 2541 note the excessive slope of the L of London, the nature of the beginning of the k of know, the angularity of the left bottom of the w of know etc., the large p of hoping, etc. (Note: *Khardikar*. Opinion 30.)

In my opinion the signatures on P. 453, and the original of the signatures on P. 2034 P, P. 2036 P, and P. 2040 P were all written by the same person. I have carefully examined these signatures for signs of forgery and have found none. They are all equally freely written and their close resemblance will be seen from the

juxtaposed photograph which I now tender (marked Exh P. 2542).  
(Note: *Max Ziessee*. Opinion 31.)

In my opinion the signatures on Exhs P. 546 (9), P. 654, P. 2251, and P. 2251 (1) were all written by the same person. None of these signatures shows signs of forgery and I think it will be obvious from the juxtaposed photograph which I now tender that they were all written by one person, without my giving details. (Photo marked P. 2543). (Note: *Mellonie*. Opinion 32)

Sd. R. L. Yorke.

20. 1. 31.

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Continued on S. A.

In my opinion the person who wrote the original of P2285P, the writing enclosed in red on P2482, and P2483, the blue enclosed writing on P 1830 S, the signature numbered 4 on P 2493, the original of P 2285 (1) P and of P 2285 (2) P, the signature S. S. Mirajkar on page 15 of P 2484, the writing above the blue line on the passport declaration by applicant and the parts above the blue lines and the blue encircled signature on the renewal of passport from both of which are P 1511, and the signature number 14 on P 2304 S also wrote P 1010; the signature S. S. Mirajkar and all that is above it in P 1287 (1); the initials S. S. M. in P 13.8 (14) and the word 'accepted' above them (on the back of page 5); the writing on pages 1, 2, 3 & 4 and on the unnumbered page 1 P1348 (17) up to but excluding the signature D. R. Thengde and the red ink writing, (Court Note: not shown in printed exhibit: apparently initials DT after a & b) and the word 'accepted' and initials S. S. M. on the narrow attached slip; the blue-black ink writing in P1358 the whole of the writing on the front side of P129; the signature on P526 (27); the whole of the writing on P526 (30) excluding the signature on the top left corner; the signature on P 548 (2) and P 702; the whole of P 827 (1); the Manuscript writing which takes the place of signature in P 827 (1); the manuscript writing ( that is the last 2 paragraphs ) at the end of P 833; the whole of P835; the red-enclosed signatures on P 836 and P837; the whole of P 839; the signature at the end of P 848; the manuscript writing on P 850; the signature to the letter P 855; the 4 red-enclosed signatures on P1017S: the signatures on P1109 and P1236; the whole of P1247; the whole of P1248, the signature on P1274; the following parts of P1344, namely heading and list of members present at Executive Meeting on 30-4-27 and his own signature opposite no.6, heading and list of members present at Executive Meeting on 4-5-27 and his own initials opposite no. 3, the whole of items 3 & 4 including the list of editorial board on same date, item 5 under same date, the whole of the minutes of meeting of 17th November 1927, items 2 & 3 and in fact the whole of the minutes of the meeting of Executive meeting of 23rd January 1928, the whole of the minutes of the Executive Committee Meeting of 8. 2. 28 down to and including (4) Mr. D. R. Thengde; the whole of P 1348 (2) excluding the word 'record;' the red-encircled signature on P 1348 (18); the blue black ink note at the end of P 1348 (40) recording the adoption of the report at the annual General meeting on 18. 4. 28; the red-enclosed signature in P 1348 (41); the whole of the manuscript including signatures and initials in P 1348 (49); the whole of the lists in P 1348 (50) except in the 'be invited' list Nos. 25 to 36 which I have not examined; the 2 signatures in P 1349 (2); from the words 'Page Arnot' to the signature Mirajkar in P 1350 (5); the signature on Page 66, the red-enclosed initials on page 85 the red-ink writing on page 90 and the red-enclosed signature on page 91 of P 1351; the red-enclosed manuscript in P 1352 (2). (Note: list of addressees of circular letter); the blue-enclosed signature on page 2 of P 1353; the whole of P 1355 (2) manuscript from word Gibarti to word India; the writing above the blue line in P1355 (7a); the copying pencil writing on P 1355 (7b); the whole of P 1355 (7f) the statement of accounts from February 1927 to 15th March 1928 which appears above the blue line on the 2 pages marked 7 in P 1365; the red-enclosed signature on P 1373 (7); the whole of P 1373 (16); the first signature on P 1472, the cards numbered 2, 4, 5, 6, & 7 in P 1748; the signature on P 1946 and the original of the



whole of P 2418 P. This writer also wrote the original signature from which the stamp was prepared with which the signature on P 1348 (13) was made, so far as I can see (Note: *Mirajkar*. Opinion 15.)

In my opinion the signatures on P 1254 and P 168 were written by the same person and so far as I can see that same person wrote the signature used for preparing the stamp which made the signature on P 1341. I have prepared and tendered a juxtaposed photograph marked Exh P2544 from which it will be seen how close is the resemblance between these 3 signatures. They are not very distinctive but I can see no reason for supposing that any of them are forged. (Note: *W. Paul*. Opinion 53)

I am of the opinion that the person who wrote the blue enclosed writing on P 2439, the writing above the blue line in the darker ink on P 2453 (1) and who signed the letter P 2453 (2) also wrote the signature on P 1953, the original of the signature on P 2391 P 3, the signature on P 2443, and the signature on P 1950. From the juxtaposed photograph which I tender (marked P 2545) it will be seen how closely these signatures resemble one another without my detailing the particular habits. The questioned signatures on the right hand on it are written freely, carelessly and so far as I can judge at the same speed as the other signatures. I have examined the questioned signatures for signs of forgery but have found none. (Note: *Graham Pollard*. Opinion 34.)

In my opinion the person who signed the signatures on P 2338, P 2441, P 2451, and P 2452 also wrote the signature on P 1350 (2), P 2119, P 448 (8) and the original of the signature on P 1664 P. From the juxtaposed photograph which I tender (marked P 2545) it will be sufficiently clear how closely alike are these signatures without my giving details. I examined the questioned signatures for signs of forgery but found none. They have all been written as freely, speedily and with as much lack of care as the standards. All these signatures are very uniform and in a very set hand. (Note: *Harry Pollit*. Opinion 35.)

In my opinion the same person wrote the signature on P 711 (1) and the 2 signatures on P 2437. From the juxtaposed photograph marked Exhs P2547 which I tender it will be clear how closely alike these 3 signatures are. I have carefully examined all 3 for signs of forgery but have none. (Note: *Potter Willson*. Opinion 36.)

I am of the opinion that the person who wrote the writing above the red line on P 2438 and the signature below the photograph on P2450 also wrote the signature on P1505, and the original of signature on P 2394 P3. From the juxtaposed photograph which I tender (marked P 2548) the close resemblance between these signatures will be obvious. I have also examined the questioned signatures for signs of forgery but have found none. They are as freely, carelessly and speedily written as the standard signatures. ( Note: *Rathbone*. Opinion 37.)

I am of the opinion that the signatures M. N. Roy on P1138, P 1256, P 1512, P 1868 P, in 2 places in P 1888, P 2092, P 2253, P2254, P2379, P 2379 (1), P2380 (1), P2385, P1994, P2344, D374 2 signatures (Mr. Sinha desires me to make a note that this document was not filed by the defence with any idea that it is genuine or as a document coming from anyone of the name of Roy, on page 5

and 23, and the original signature of P 1897 P were all written by the same person. I am also of the opinion that the person who wrote P 2380 (1) also wrote the original of the blue enclosed manuscript writing of P 2320P. (Note: *Roy*. Opinion 38).

I am of the opinion that writing on P 1328, the signature John Ryan on P 1506 and the original of P 1806 P & PE were all written by the same person. Without going too fully into reasons it will be seen from the juxtaposed photograph (marked P 2549) which I now tender how closely similar these writings are. Note the peculiar capital a with the beginning stroke going across the circle of the a; the capital j with an onward or downward terminal, The capital r with the short downstroke and small initial loop, the capital s of such combinations as Spratt, St, where it is like a capital l, the capital i joining stroke and the capital t with an initial hook from right to left. (Note: *Jack Ryan* Opinion 39).

I am of the opinion that the signatures Shapurji Saklatwala on P 1961, P 2335, P2336, P2455, P1235, P1287 (6), P1960, P2324 P 2371 and P 2388 (1) were all written by the same person and that the body writing on P 1961, P 2455, P 2334, P 1960, P 1287 (6), P 1235, P 2388 (1), (2) & (3), and the writing encircled in blue on P 2336 were all written by the same person. (Note: *Saklatwala*. Opinion 40.)

I am of the opinion that the person who wrote P2305, P2307(a) up to the word 'obediently', the blue ink writing on P 2308, the English writing on P 2314, on P 2316 E1 also wrote P 783, and the original of P2315P, of the red-enclosed part of P2320P, of P2321P, of P2324P, of P2325P, of P2327P (Note: *Sepassi*. Opinion 41).

In my opinion the person who wrote the 3 signatures on P 2309, the 2 signatures R.C.L. Sharma on P 2307 (b) and the body-writing between them and the original of P 2312 P also wrote the original of the signature and writing at the end of P 2169 P 1. I tender my juxtaposed photograph (marked P 2550) of these signatures and the initials at the end of P 2169 P 1 from which the resemblance will be seen. I have examined the signature and initials on P2169P1 for signs of forgery but have found none. These 2 are if anything written more freely and rapidly than the standard signatures. The same low order of writing found in P 2169 P1 is also found in P 2037 (b) and in P 2312 P. Note the low curved beginning of initials and the rather similar beginning of small i; further attention might be paid to the small curved capital i and the tendency in the words 'in' 'asking' 'forming' in P 2169 P 1 to write letters so briefly as to form merely wavy lines as in the signature on this exhibit; the same habit is found in P 2312P in the words 'things' 'important' 'being' 'knowing' etc. (Note: *Sharma*. Opinion 42).

I am of the opinion that the signatures N. J. Upadhyaya on P 376, P 378 and on the original of P2392P were all written by the same person. I have examined these 3 signatures for signs of forgery but have found none. They are equally freely written without care and at speed. From the juxtaposed photographed which I tender (marked P 2551) it will be seen how closely these 3 signatures resemble one another. Note the rather peculiar alignment formed by the bottoms of the short small letters. (Note: *Upadhyaya* Opinion 43).

In my opinion the signatures of a German name on P 1651 (in 2 places), P1652, P1652a, P1652b, P1656, P1804, P2014, and P 2014 (1) and on the original of P 1647 P, of P 1852 P, P1998 P, P1, P2, and P3 were so far as I can see all made by the same rubber stamp or by stamps prepared from the same signature. (Note. *Willi Munzenburg*. Opinion 44.)

In my opinion the person who wrote the red-encircled part of P 2524 and the part of P 2552 above the blue line (Note: P 2552 is a reply from one C. Krishnaswamy Iyengar to the notice sent by the Lower Court to him to produce certain papers. Mr. Siphā objects to its use on the ground that the condition laid down in section 73 is not complied with. Further consideration tomorrow.)

(Sd.) R. L. Yorke.

21-1-31.

(Arguments heard) In my opinion there is some material on which the Court can be satisfied that P 2552 was written by the same Iyengar who wrote the signature on P 2524 and in any case there is no ruling or general principle which precludes the use of a chain of standards. Continued on S. A. In my opinion the red encircled part of P 2524 was written by the person who wrote the writing above the blue line on P 2552. In my opinion this same writer *also wrote* the original of P 2121P1, of P2121P2, and of P2169 P [Note: *Iyengar* Opinion 45].

With reference to opinion 6 *Desai*. I have now looked through other parts of P 1261. In my opinion the writer indicated in opinion no. 6 also wrote the portion from A to B. marked in red pencil in Exh P1261. That includes the portion of this exhibit deposited to be in my previous opinion. [Note: the portion A to B corresponds to the passage described in the printed Exhibit as page 8 to the end of page 12.]

With reference to opinion no 12 P. C. Joshi in my opinion the Hindi writing on exhibits P 195, P197, P209, P210, P427 and the Hindi writing in copying pencil in P 318 were written by one person. In all the above opinions it will be understood that I exclude from them, although this was not stated specifically, the initials and dates that are found on most of the documents in odd places, that is not in connection with the main body writing or the main signatures, and which I understand to initials of search-witnesses etc.

Where I have stated in my opinion that certain parts of a document are in the handwriting of a particular person that does not mean that I have examined the whole document or formed any opinion about parts other than those specifically covered by the opinion expressed.

I am of the opinion that the following exhibits were all typed

on the same machine P 345, P 377, P 526 (43), P 674, P 1007, P 1008, P 1348 (34), P 1859 and P 2448. (Note: *Dutt's typewriter no 1*. Opinion 24 A)

I am of the opinion that the following exhibits were all typed on the same machine: P 2160 (1), P 2160 (2), and P 2001, P 526 (44); further P 1665 page 2 is the carbon copy of P 2160 (1), and P 1665 page 3 is the original of which P 2160 (2) is the carbon copy. (Note: *Dutt's typewriter no 2*. Opinion no 24 B).

I have further noticed that P 2160 is the carbon copy of page 1 of P 1665 but these 2 were not typed on either of the 2 machines just referred to.

I am of the opinion that the following documents were typed on the same typewriter: P 377 (1), P 1256, P 1512, P 1676, P 1888, P 1898 (1), P 1899, P 2092, P 2253 and P 2254 (these 2 documents are a carbon and its original), P 1255, and the original of P 1897 P 1 (the latter is a photostat copy, with the exception of pages 3 and 16 of either the original of P 1255 excluding pages 3 and 16 or a carbon copy which may have been P 1255 itself), P 1825, P 1034, and P 2322 (2). [Note: *Roy's Typewriter*. Opinion 38 A.]

In my opinion the following exhibits were all typed on the same machine: P 2528 [Court's note Mr. Sinha asks me to make a note of his objection to the use of this exhibit. Orders are pending in this connection], P 1169, P 1174 and P 1196 [Note: *Adhikari's typewriter*. Opinion IA]

I am of the opinion that the following exhibits were all typed on the same machine P 1005, P 1829, the last page of P 1981, P 1962 [2], P 1956, P 1974, P 1954, P 1955, and the originals of P 2328 P 2, and of P 2329 P 1. [Note *Spratt's typewriter*. Opinion 19 A]

[Note by Court P 1981 is generally speaking 2 copies of the same thing but the last page has been typed again on a different typewriter, Spratt's machine; the last page referred to above tallies generally with portion A to B in printed exhibit, line 26 on page 79 to line 27 on page 80, but not exactly.]

I am of the opinion that Exhs P. 2251 and P. 2252 were both typed on the same machine. (Note: *Mellonie's typewriter*. Opinion 32A.)

Asked if he would give detailed reasons for certain of the opinion already given witness made the statement already printed (modified as noted in the Court's copy) which I take on the record as part of his statement. In the printed record it will be put in at this point. (Note: a copy of this statement and of the other detailed grounds had been printed and furnished to each of the accused and to defence Counsel beforehand.)

Statement continuing after the passage already printed which is to be inserted in record as stated above: By Counsel: will you give detailed reasons for your opinions numbers 1,2,3,4,5,6,7,8, 9,10,11,12,15,19,20,24,38,40,41,1A,19A,24A,32A,38A ?

In answer to the above question witness proposed to read out his printed reasons already furnished to accused and mentioned above these to form part of his statement, and to be included in his evidence here.

By witness: ( before making the suggested statement )  
Speaking generally wherever in these printed reasons I say questioned document or documents I refer to those exhibits which follow the words 'also wrote' in my opinion given in evidence.

Sd. R. L. Yorke

22-1-31

Continued on S. A. In giving the opinions Nos 1 to 12 etc for which so far I have not given detailed reasons I refreshed my memory from notes made by me at the time of my examination of the documents. These notes have already been printed and are headed in each case as 'Reasons for opinion' and I have referred to them earlier in my evidence. These I tender to the Court and may refer to again in anything more I may have to say. (Court takes these notes of reasons on the record and orders them to be marked Exhs P.2553 O to P.2576 O in order that they may be available for this and any other Court which may have to consider this evidence and also to enable accused or their counsel to cross-examine the witness.) Those notes contain fairly full reasons for the opinions given by me but I would like to refresh my memory from them and also draw particular attention to certain points and further explain them by reference to juxtaposed photographs which were taken and are referred to in the notes.

In connection with opinion No. 1 and notes P. 2553 (O) I tender juxtaposed photograph (marked Exh P. 2553) with 12 photographs of exhibits mentioned in my opinion to serve as a key as described in my general statement (printed) yesterday. Each of these photographs and of all similar ones which I shall tender later bears on it the number of the exhibit photographed. I have not in all cases attached photographs of every exhibit referred to. I draw special attention to the characteristic form of the name or signature Adhikari, the operations in writing such words as Usmani, Adhikari ( with a pen-lift after the first i ), the pen-lift which occurs almost invariably before final d in the round English form the pen-lift after the long form of h in the last section of P. 2553, the peculiar addition to the final g found in some words ending in ing, the close similarity in the slope.

In connection with opinion no. 2 and notes P. 2554 (O) I tender 2 juxtaposed photographs (marked P. 2554) with 6 photographs of exhibits to serve as a key. I draw special attention to the low alignment of capital A, the convey arches in many of the lines of writing in P.2313, & P.2319 the peculiar detailed design of 'to' in line 2 of P. 2319 and in various places in P. 2313, the characteristic design of final g in line 4 of P. 2319, the angular bottom loop of f in of, the peculiar hooked terminal of the scroll of capital P, the peculiar 'or' made like 'er' shown in last line of the juxtaposed photo, the habit of retouching top loops as in last line but 3 of juxtaposed, photo, the peculiar design of Yo as in Yours.

In connection with opinion no. 3 and notes P. 2555 (O) I tender 2 juxtaposed photographs ( Marked P. 2555 ) with 16 photographs of exhibits to serve as a key. I draw special attention to the large number of concave joining strokes, and the long joining strokes between 2 joined words, the pen-lift after initial s and frequently after i, the high beginning of initial m and n, the 2 designs of b.

In connection with opinion no. 4 and notes P. 2556 (O) I tender a juxtaposed photograph ( marked P. 2556 ) only and do not think it necessary to add anything because the writings are so strongly characterised as to be obviously those of the same person.

In connection with opinion no.5 and notes P. 2557 (O) I tender a juxtaposed photographs ( marked P. 2557 ) with 10 photographs of exhibits to serve as a key. I wish to draw special attention to the cross strokes of f and t which are frequently joined to the next word, the same kind of thing between A & D of the signature, the joining between final d and the next word as in the words 'requested above' in P. 247 and 'and peasants' in P. 1348 (14), the detached final e in certain words, the almost figure 8 appearance of final d, the rather peculiar f found in 'from' and 'friend' in P. 1885, the tendency to join the dot of an i to another letter.

In connection with opinion 6 and notes P. 2558 (O) I tender a juxtaposed photograph marked P. 2558 with 10 photographs of exhibits to serve as a key. I wish to draw attention to the writing of the word will in 2 operations ( wi ll ), the words individual in P.1261 and P.2290 Pl, capital T followed by h has the top of T joined to the h; in P.2290 P, P. 2290 Pl and P. 1261 Bombay has a pen-lift before and after the small b, long letters like initial t occasionally begin with a hook at the top, the occasional scroll in f of 'of' shown in juxtaposed photo, the terminal of 'is' occurs in the dot of the letter i; in the capital T note the peculiar design; note the joining of the i dot to some other letter, and final r often written like a Greek e.

In connection with opinion no. 7 and notes P. 2559 (O) I

tender a juxtaposed photograph (marked P. 2559) with 31 photographs of exhibits to serve as a key. I draw special attention to the following points: the peculiar joining stroke made by the t-crossing joining on to the next word, the word Mirajkar written with a penlift after r and j in 4 of the exhibits, the penlift after i of which and after initial r which is frequently found, the stepped alignment of the word Mirajkar the flattopped initial y as well as the one with a deep bowl, and also the peculiar g found in the middle of the word regarding in P. 1011.

In connection with opinion 8 and notes P. 2560 (0) I tender only my 117 photographs of exhibits marked P. 2560 for facility in juxtaposing as I have not prepared a juxtaposed photograph. I draw special attention to the following: the closely similar operations in writing the signatures, the characteristic scroll to the final h of the signatures the small number of letters written at one operation, the wavy alignment of lines of writing, the fact that the same words in 2 or more exhibits are written in the same and the same number of operations, e.g Bag Bazar in P. 1628, P. 2271 P and P. 2272.

In connection with opinion no. 9 and notes P. 2561 (0) I tender a juxtaposed photograph (marked P. 2561) with 4 photographs of exhibits to serve as a key. I draw special attention to the following: the joining strokes are short and have an angle on the left; the following words written in the same operations in P. 2270 P and P. 548 (8) namely have with a penlift after h, inform with a penlift after o, and fraternally with a penlift after the first r; the usually low position of the i dot; the hooked terminal of the final y and the long flat backed small c; the hooked terminal to the right of capital T; the close average slope in 5 of the documents; the average ratios of y to t in P. 2270P and P. 548 (8).

In connection with opinion no. 10 and notes P. 2562 (0) I tender a juxtaposed photograph marked P. 2562 with 6 photographs of exhibits to serve as a key. I see no need to draw special attention to any particular points.

In connection with opinion no. 11 and notes P. 2563 (0) I tender a juxtaposed photograph Exh P. 2563 and A photos of exhibits to serve as a key. I draw special attention to the following points: the peculiar design of the word 'of' illustrated in the uxtposed photo, the penlift after w of worker, the capital T to h joining, the final s usually on a lower alignment than the preceding letter.

In connection with opinion no. 12 and notes P. 2564 (0) I tender a juxtaposed photograph (marked P. 2564) with 10 photos of exhibits to serve as a key. I draw special attention to the

following: the medial o written below the line in a clockwise direction, the resemblance between the common words, the frequently low position of medial s and r, and the figure 7 type of final y.

In connection with opinion no. 15 and notes P. 2565 (0) I tender 2 juxtaposed photographs with 69 photographs of exhibits to serve as a key. I draw attention to the following points: the various marked peculiarities of the initials and signatures in the plain and ornate kinds, the lifting of the pen after the round form of small r, after the german form of d followed by another letter, the usually low position of the small j, the similarity in differing types of the same letters.

In connection with opinion no. 19 and note P. 2566 (0) I tender a juxtaposed photograph with 8 photos of exhibits to serve as a key. I draw attention to the following special points: the peculiar capital D and its joining to the next letter, the joining of the capital T crossing to the next letter at almost a rightangle, the bottom of capital letters often on a lower line than the letters immediately following them.

In connection with opinion no. 20 and note P. 2567 (0) I tender a juxtaposed photograph (marked P. 2567) of the signatures. I have no special points to which I think it necessary to draw attention.

In connection with opinion no. 24 and note P. 2568 (0) I tender 2 juxtaposed photographs with 13 photos of exhibits to serve as a key. I wish to draw attention to the following points: the peculiar design of f in of, the printed type of small b always found only before certain small letters, the kinds of terminals for y, the various types of t crossing illustrated in the juxtaposed, and the detailed design of the capital letters.

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In connection with opinion No. 38 and note P. 2569 (0) I tender a juxtaposed photograph (marked P. 2569). I have no special points to which I think it necessary to draw attention. I would like to add to what I have said that the signatures on page 23 in D. 374 and P. 1868 and more particularly in the former are not too well written. In P. 1868 there is penlift at the top right of the R and in the one referred to in D. 374 the ink has failed badly in places so that these 2 signatures are not so satisfactory as the rest.

In connection with opinion No. 40 and note P. 2570 (0) I tender one juxtaposed photograph (marked P. 2570) and 13 photos of



exhibits to serve as a key. I wish to draw special attention to the following: in the signature the operations used, the t - crossing, and the relative height of the long letters; in the body writing the penlift after the i, the detailed design of the word 'of' the 2 kinds of small p, and the similarity in the slope.

In connection with opinion no. 41 and note Exh P. 2571 (0) I tender one juxtaposed photograph with 18 photos of exhibits to serve as a key. I may draw special attention to the following: the long flat joining strokes between the letters, the penlifts in the words received, addressed and address, the low position of medial s, and the different forms of certain small letters, such as a and d.

In connection with my opinion No. 45 and my notes Exh P. 2572 (0 1) and (0 2) I tender one juxtaposed photograph (marked P. 2572) and 5 photos of exhibits to form a key. I draw special attention to the following points: the penscope in the signatures and other places, the 2 kinds of t crossing and the peculiar designs of the word 'of'.

In connection with my opinion No. 1 A and note Exh P. 2573 (0) I tender 5 enlarged photographs marked P. 2573 taken under measuring protractors so that the reasons given can be checked. There is nothing special to mention that is not in the note.

In connection with my opinion no. 19 A and note Exh P. 2574 (0) I tender 3 enlarged photographs marked P. 2574 taken a protractor of the same or similar words from 2 or more of the exhibits mentioned in the opinion in such a way as to link up the exhibits illustrated. From these photographs in this and all cases to be mentioned hereafter it will be seen how similarly located to the sides of the squares of the protractor the same letters are. They will also serve to show the slopes on letters and where the same or similar words are illustrated from 2 different type-writers the difference in the printing of the 2 type-writers. Perhaps I ought to add that each of these illustrations has placed near it the number of the exhibits from which the word or words come. To enable the illustrations to be traced I tender 8 photographs of the original type-written exhibits in which the passage photographed under protractor has been taken out and put back again. (Mr. Sinha raises same objection to the enlarged photographs as to the juxtaposed photographs. I admit them as mechanical aids to comparison.)

In connection with opinion no. 24 A and note P. 2575 (0) I tender 2 pieces of enlarged photographs (marked Exh P. 2575) and 13 photographs to serve as a key with the pieces cut out and stuck in again or else underlined, or else with the exhibit number in black ink near the word.

In connection with opinion 24 B and my note marked Exh P.2576 (0) I tender one enlarged photograph under protractor marked Exh P. 2576 and 5 ordinary photographs of exhibits to serve as a key, marked as described just above. One important point is that the extreme right bottom 'serif' of small 'n' is damaged.

In connection with opinion no. 32 A and note Exh P.2577 (0) I tender 2 enlarged photos under protractor marked P.2577 with 2 ordinary photographs of exhibits with the parts cut out and stuck in.

In connection with opinion no. 38 A and note Exh P. 2578 (0) I tender 3 enlarged photo under square protractor and 4 enlarged photographs under a parallel line protractor, all marked P. 2578, and 6 key photographs marked as before. I draw special attention to the following points: the missing serif on the left hand at bottom of long down stroke of small h, and the missing serif at the top of the 1st downstroke of the small 'a'.

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Mr. R. Stott. on S. A.

In continuation of what I was saying on 30th January I wish to say that from the photographs taken under the square protractor certain letters taken from one document will be seen not to be located with reference to the sides of the square exactly as they were when taken from another document; the explanation is that where such variations occur they are due to a slight looseness of the particular letter or letters. It was to illustrate this looseness that I took the photographs under a parallel line protractor and illustrated the varying positions of the small a.

Since giving my last evidence I have examined P 2322 [1] and am of the opinion that it also was written by the writer of P 2524 and P 2552, for reasons similar to those already given about P 2121 P1, P2121 P2 and P 2169P. I tender a photograph which may be used for completing the juxtaposed photograph. I examined all the original exhibits, both original documents and photographs of documents, and I formed a preliminary opinion from the originals. I also checked this original opinion by means of my photographs and wherever I had any doubt by a subsequent reference to the original exhibit.

XXN. By Mr. Sinha for Thengde and Banerjee. The book I consider to be the best book on the examination of questioned documents is Osborn on 'Questioned Documents.' I also take points from Ames' book on 'Forgery' and a book by Fraser called 'Bibliotics.' I know a book by Hagen which is also a standard book. I don't know a book by Saudek. There is also a periodical in German of

which one annual volume has been published which is an authority. For typewriting there is Osborn's book again, and a small pamphlet written by my predecessor Mr. Brewster. The mathematical probabilities mentioned by me in my opinions are discussed in 2 chapters by Osborn. The formula I have taken about the typewriting is one that I worked out myself. I have never seen this formula in print.

When I said in chief that in my opinion, or I was of opinion that, the person who wrote such and such also wrote such and such I intended it to be understood that so far as I was able to decide such and such a writer wrote such and such documents, and that I was as certain of the correctness of this conclusion as any one can be about a deed without having actually seen it done. Talking purely about the documents which I have examined in this case and expressed an opinion about I consider the degrees of probability of correctness to be the same for pencil and ink writings examined by me. On the whole I do not think that a pencil writing can be as easily identified as an ink writing, because pencil writing is usually written in a more rapid and scrawling fashion, and consequently some of the characteristics are not so fully reproduced. The fullness or otherwise of writing individual letters is affected, the shapes of letters, usually the speed of writing, and frequently the slope; the style might also be slightly affected. I don't think any of the other characteristics mentioned in my reasons are likely to be affected. As between original writings, carbon copies and photographed copies. original writings are the easiest to examine; next come good photographic reproductions and last carbon copies. In a good photographic copy the only thing affected as compared with an original is that the pen pressure is more difficult to judge, in the copy. I don't think any other characteristics would be affected. In carbon copies the trouble is that everything is a degree or two dimmer or less clear than in the original. I don't think that any characteristic is affected or altered in a carbon copy. The pen pressure would be difficult to judge. There would be no difficulty with regard to other characteristics. I am of course speaking about a reasonably good carbon copy. As a general rule the more writing one has the easier the work. With writing consisting of 3 or 4 lines it would be more difficult to ascertain the habit of alignment, and possibly the various detailed designs of the same letters, but in this latter respect such difficulties are not so big as they apparently are owing to a writer having frequently unique or almost unique detailed designs of his own.

In the case of manuscript corrections on a typewritten document the judging of the following characteristics would be made more difficult movement, slope, speed, style, alignment and spacing between lines, and possibly between words. It is easier to

identify ordinary manuscript with ordinary manuscript and to identify block letters with manuscript or block letters with block letters. The reason for the comparative difficulty is that block letters are disjoined and are to some extent written on a fixed pattern. Characteristics which are absent in block letter writing or are more difficult to judge are movement, alignment, spacing, relativizing, style, slope, and speed. Pen pressure would be much the same.

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*Mr. Stott. Continued on S. A.*

It is usually more difficult to identify figures than written words and letters, for much the same reasons as apply to block letters. The identification of signatures is usually the easiest; that of writing is usually less easy than that of signatures; and it is impossible to generalise about initials. The reason for writing not being so easy to identify as signatures is that a signature is written very frequently and tends to acquire more characteristics of its own. Some of the writing habits are displayed more clearly or with greater uniformity than in ordinary writing, e.g. shapes of letters, relative sizing and spacing. No other writing habit would be displayed more clearly. Usually it is more difficult to identify a signature made with a stamp than to identify manuscript signatures because in the latter more detail is visible which generally is invisible or partly visible in the stamped signature. The details tending to be invisible would be the finer strokes of words and letters. Characteristics which would be absent would be pen pressure, and indications of speed; both of these might be invisible or only partly visible.

Generally speaking the more standard material there is the better, though here again much depends on the degree of characterfulness in the writing concerned. For use as a standard original writing is to some extent better than a photographic copy. If the standard given to me is a photographic copy and the questioned document is an original writing the only difficulty I should experience on that account would be some difficulty in judging the pen pressure.

If the standard for comparison with a piece of questioned type-writing were an exact copy of the questioned writing the only help which having the actual machine before me would give would be that I could examine faulty and loose letters on the machine itself, thereby verifying an inference made from the copy. Where the standard is not an exact copy the only help which the machine itself would give me would be to enable me to make a copy and

to make the same verification. The presence of a typewriter would not enable me to determine the age of a document written from it. Usually there would be differences in the typing of a machine made after an interval of 2 years, the machine having been in constant use meanwhile. The most likely respects would be an exaggeration of the faults existing in the machine at the beginning of the period and possibly the development of other faults. Those are the only differences. The only difference in difficulty which I experience in examining writing in English which I do know and examining writing in any other language which I do not know is that in the latter it takes me longer to find the same letters and words in the same document or in 2 different documents. This applies to the 5 languages Hindi, Urdu, Marathi, Gurmukhi and Bengali. To a lesser extent this applies to a language which I only know partially such as German and French. I should not experience any special difficulty in examining names written in the German script as contrasted with names written in ordinary English script. I should not find any special difficulty in identifying English writings of a German as contrasted with English writings of an Englishman or an Indian.

The documents which I have examined in this case were received by me for examination with a view to this case at various times, from about the middle of 1929 or earlier onwards. I kept no list or notes of the documents I received for examination. The first batch which was given to me consisted of at least 1000 documents connected with this case. I can't say definitely how many documents in all I have examined in connection with this case but it will be probably about 1500 to 2000. I did not invariably first examine the standard writings. I did not prepare a separate list of the characteristics of the standard writings of any of the persons whose writings I have examined. I did not prepare a separate note of the writing characteristics of each of the documents which I examined. I have notes about the characteristics of the writing of the documents in addition to those which I have tendered to the Court. These additional notes concern writings on certain documents in this case. They usually refer to batches of documents, though some of them refer to individual documents. I don't remember off hand the exhibit number of any particular document but the number of documents which I have treated individually in such notes is between one and two dozen. I can't give a reliably good idea of the number of documents other than those I have proved in this Court which are mentioned in notes other than those tendered to this Court, that is without considerable research in my office. Of the 1500 to 2000 documents given to me for examination from time to time I estimate that I probably examined carefully 500 or 600. No principle was followed by me in rejecting the remainder. I was merely told by the prosecution

that they did not wish me to examine them in the case of most of them. It was within 2 or 3 months of my 1st examination of the 1st batch of 1000 that I was told they would not all be examined. During that period I examined the best part of the 1000, in the case of some cursorily and in the case of others thoroughly. I did not select the documents in that batch in any particular order for their examination. I examined them in the order in which I found them, largely. I doubt very much whether I was told in regard to that batch which if any of them were standard writings. The sole direction which I received was to classify them according to writers. Some time after the first batch had been given to me I was shown exhibits and was told that some of them were standard writings and that others were questioned and I was asked to say whether certain of the questioned documents were written by the writer of certain standard writings or not. That was some time in 1929 and some considerable time before I gave evidence in the Lower Court. I cant say how many of the documents about which I have deposed in this court were shown to me before I received the fresh instructions just referred to. These directions were oral in all cases except that for the purposes of this court I was given lists of the documents which I was desired to give an opinion upon. In those lists the exhibit numbers of documents I was wished to examine were given under names of various persons. The reasons given in the notes tendered by me to this Court are the most important factors determining my opinion in each case.

In cases as in opinion no. 13 where I said that I thought the truth of an opinion would be evident without detailed reasons I meant that it would be apparent to the layman. That is not merely because of likenesses in shapes of letters but on the assumption that a layman would act on my recommendation to apply such tests as are given in the detailed reasons about other writings, and as recommended in my general statement. I think such tests can be applied by an intelligent, layman without the help of an expert in cases like that of opinion 13. That applies to all the tests I have mentioned, in any of my detailed reasons. Some of the tests require the use of instruments. namely the following: the measurement of slope and the relative sizing of letters, pen presentation, penscope. No others do. Generally speaking wherever I have not given reasons the cases are more easily examined. I dont think I would like to say that the writing habits are more pronounced. I can give the characteristics not requiring instruments in the case of a document shown me now in Court, after due consideration. In those cases in which I did not give detailed reasons I have noted the detailed reasons in my notes not produced in Court. Of the tests given in my detailed reasons only the following do not appear in the juxtaposed photographs, or do not appear fully: general appearance, alignment of lines, slope, and

spacing between lines, penscope, location of letter to letter, operations in writing similar words and arrangement. By this answer I do not imply that these characteristics are in any way totally absent from the juxtaposed photographs. To the extent that they can be found out from the juxtaposed photographs it is not difficult for a layman to find them out. I was more confident of my opinions after preparing the juxtaposed photographs. Taking P 2555 as an example of a juxtaposed photograph I should be prepared to give an opinion that the writer of the left hand part wrote the right hand part without referring to any other document and without making any tests apart from those I could make on the juxtaposed photograph. That would not apply to every juxtaposed photograph in this case; for instance it would not apply to P 2544, P2554 (the smaller part) and P 2561.

Speaking from memory the maximum number of characteristics of the genuine writing which I have found reproduced in a freehand forgery is about 9, namely style, general appearance, alignment, line quality, joining strokes, slope, spacing, operations in writing e. g. a signature, and sizing of letters. In a traced forgery I have found reproduced at the most the following, beginnings, terminals, style, general appearance, penscope, alignment, location of letter to letter joining strokes, slope, sizing and spacing, the operations in writing e. g. a signature, and the detailed design. I cannot say without having a standard for comparison whether a given piece of writing is an attempt to copy the writing of someone else than its actual writer. By signs of forgery in P2569 O I means that someone other than the writer of the standard writings has attempted to imitate the standard writings. Without being given standard writings I cannot discover signs of forgery in any of the 3 papers shown to me D 384 (18), (20) and (12).

Looking at D 384 (20) all the characteristics mentioned in my detailed reasons can be applied to the writing of D 384 (20) the style so far as I can determine from the small amount of writing is broadly elliptical to round, the movement subject to same limitation is a combination of the finger and hand movement, general appearance again subject to that limitation is rather crabbed, the pen-pressure is medium or slightly lighter than medium, alignment is in a downward direction to the right and somewhat uneven, speed is fairly low, line-quality is fairly good, spacing between lines and words is wide, joining strokes are short and both round and angular.

Looking at the pencil writing above signature B. F. B. with that signature in P 526 (10) the style is rather broadly elliptical though in places narrow ellipses are found, the movement is principally the hand movement, general appearance is fairly even and regular, the alignment is even and fairly level, speed is fairly high,

line quality is good, spacing between lines and words is average, joining strokes are rather narrowly elliptical to angular; there is of course no pen pressure with pencil writing. Offhand it is difficult to say reliably whether the initials at foot of P 526 (10) were made by the person who wrote the bodywriting above them.

P 230. In this document the style is elliptical to narrowly elliptical, movement is a combination of the finger and hand movement, general appearance is somewhat irregular and jerky, pen pressure is medium or slightly lighter than medium, alignment is fairly even with a tendency for many of the lines to descend to the right, speed of writing is somewhat higher than average, line-quality is fairly good, spacing between words is average and between lines rather close, joining strokes are varied but are principally rather flat and rather long.

In P 284 the style is elliptical, movement employed is principally the hand movement, general appearance of the writing is that of a wellformed hand, penpressure is medium, alignment is fairly even with a tendency for some of the lines to begin in a downward direction, speed is slightly higher than medium, linequality is good on the whole, spacing between words is wider than average and average or less than average between lines, joining strokes are round, rather broadly concave in places and in places almost flat. The maximum number of letters written at a time in the 1st 2 pages of the exhibit is about 9 or 10.

(Sd) R. L. Yorke

24-2-31

*Continued on S. A.*

Simple causes for identification of hand-writing are cases in which a writing is full of character or has marked rare characteristics or has a great degree of uniformity or where the similarities are obvious to the layman. In this trial the simplest cases are those of the writers indicated by opinion number 4,15,24, and 40. I should also consider No. 8 ( note: Ghose ) which is suggested to me a simple case. I should not consider no. 7 ( note: Ghate ) to be a simple case. For purposes of examination I consider that a photograph is usually preferably to a photostat because while a photograph reproduces accurately practically all the characteristics of the writing a photostat frequently does not do so. I should expect to find missing in a photostat detail in general, resulting in my inability to determine such characteristics as lifting of the pen, penpressure, line quality, possibly speed, nature of terminals and fine strokes. Usually I should be able to determine from a photostat, given standards for comparison, whether the signature and writing of the photostat was a forgery or not. This would depend on the



sharpness of the photostat. So far as my experience goes most ordinary photographers in the bazars can take a reasonably good photograph of a document. Before examining a photographic copy of a document I do not make inquiries as to who photographed it and the kind of lens he employed. I do not make inquiries when the photograph appears to be enlarged or reduced. I usually do inquire whether the original document is available. Unless the scale of reproduction is very greatly reduced an ordinary reduced size photograph reproduces sufficiently well for examination purposes practically all the characteristics required for examination. Speaking generally a reduction to a quarter or one sixth of the original size would not interfere with my examination. A reduced photograph is of course not to be preferred to one of normal size. Direct photographs enlarged or diminished or of normal size can be taken from documents. I cannot offhand give a reliable opinion whether P. 255 and P. 230 are written by the same person. If I am given time to study them, take photographs and juxtapose them and so on I can do so. For instance yesterday I was doing in about a quarter of an hour what I should ordinarily do in 2 or 3 days and would do at 2 or 3 different sittings. Also yesterday and apparently today I am being given only 2 documents in each case and therefore generalisations which I may make are based on much less data than the generalisations which I made in my examination of the exhibits before I attended Court. Consequently it is possible that a generalisation based on 2 documents will not be the same as that based on a larger number. I am not prepared to say offhand anything about such characteristics as beginnings, terminals, detailed design, varying numbers of letters written at one operation, location of letter to letter; about the coincidence or otherwise in these 2 documents of other characteristics not requiring the use of instruments I can speak without requiring an unreasonable amount of time. The style of P.255 is rounder than that of P.230, the movement of P.230 probably contains more of the handmovement than that of P. 255, in general appearance P.255 is more regular and fully written than P.230, the alignment of P. 255 is more even and level than that of P. 230, the speed of P. 230 is probably higher than that of P. 255, the spacing of 2 is more or less alike, and so are the joining strokes.

P.2059P Bengali writing: the style is rather broadly elliptical, the movement is principally the hand movement, the general appearance is neat, the alignment is principally upwards to the right though some are downwards to the right and some level, the speed of writing is somewhat higher than average, joining strokes I don't propose to say anything about, penpressure so far as I can see is fairly light, spacing between lines is average to more than average.

P. 1451 and P. 1445 (2) (signatures by same person or not): I hesitate to express a definite opinion on the 2 signatures in these 2 exhibits and should prefer to have a few more such signatures, but

judging from just these two I should think it very probable that they were written by the same person.

P.1477 ink writing in columns one and two included in the blue circle: characteristics: The amount of writing here is not only very small but also discontinuous and consequently one cannot judge the characteristics very well. The style is elliptical, the movement a combination of the finger and hand movement, pen pressure is about medium, the alignment so far as I can judge it is fairly level, the speed is average or slightly higher, line quality is good, many of the joining strokes are rather long and flattish, spacing between lines cannot be judged and I can't say anything about general appearance. These generalisations should not be regarded as too sound in view of the nature of the material. All the characteristics mentioned in my printed reasons can be examined in the case of 2 such signatures as P. 1451 and P. 1445 (2).

There is a slight degree of difference in my degree of certainty about those opinions which I have given in an unqualified way. Generally speaking the more material there is or the more characterful the writing is the more certain I am of my opinion. So far as I remember in this case the fact that the writing is in pencil does not affect the degree of certainty. I refused to give opinions in the case of about 100 documents in all from the beginning up to now. By this I mean that I either could not find out who the writer was or else I was of the opinion that the writing was not written by the writer whom the prosecution suspected of having written it.

P. 335: a good deal would depend on the nature of the standard writings given me for comparison whether I could express an opinion on the writer of the 2 lines of manuscript on pages 3 & 4 of P. 335. The occurrence of the same words as those in the questioned document in the standard writings or at least some of them is rather essential with such a small of writing as on these 2 pages. Without taking time to study the paper shown me marked D. 666 I am not prepared to say whether D. 666 would be a good standard for comparing with the writings in P. 335. I can say that as it does not contain much in common with the writing on these 2 pages in P. 335 it is not very suitable. I would like a day so that I could have photographs made and really get the 2 things side by side.

P. 2284 P. signature A. A. Alwe in Marathi: Owing to the very small amount of material none of the generalisations I shall give about this signature will in my opinion be very reliable. The style is probably fairly broadly elliptical, movement principally finger, general appearance fairly regular, alignment fairly level, speed low, line quality medium.

In my opinion it is unlikely that the signature on P. 2284P A.A. Alve in Marathi was written by the person who wrote the same signature on P. 953 and on pages 4, 5, & 6 of P. 958. These signatures are very short and not very full of character.

At a guess I should say that the writings on P. 457 to P. 462 "G. P. of the Bengal Communists" etc were not written by the writer of the body of the searchlist P. 435 and of the encircled portion of paper no. 1284a (S. I Ala-ud-din P. W. 31) but the material in the P. 457 series is really too small and un-uniform to enable me to give even a reliable indefinite opinion. They might be or they might not be written by the same person. As regards the guess which I have hazarded such grounds as I have are as follows: the detailed design of the word 'of' in both standards is pretty consistent and is different from anything found in the P. 457 group. There is also some difference in the word Bengal in P. 457 as compared with the same word in both the standards. It is my impression that the relative sizing of capital letters to small letters in the standards is greater than in the P. 457 series. The writing of the standards is more regular and uniform in slope than in the P. 457 series. But it remains a guess, and quite possibly a wrong guess. The other characteristics are too indefinite to generalise safely about.

After a brief examination I am of opinion that the bodywriting of P. 1350 (8) was written by the person who wrote the signature.

Sd. R. L. Yorke

25-2-31.

Continued on S. A

With reference to my opinion about the signature in Marathi A.A. Alve on P. 2284P, I have now examined more carefully this signature as well as a number of other signatures given to me as standards and found in P. 958 at pages 8, 9, 11 and 12 as well as those already mentioned on pages 4, 5 and 6 and on P. 953. In my opinion the signature on P. 2284 P was not written by the writer of the rest. My reasons for this opinion are: the style of the standard signatures is elliptical more in a horizontal direction than that of the signature on P. 2284P in which the ellipses are more vertical; the movement of the standard signatures contains more hand movement than that of P. 2284P; the penpressure in the standard signatures is heavier than in the other; the alignment of P. 2284P judged from the bottoms of strokes and letters is more uneven than in the rest; the speed of P. 2284P is higher than that of the others; its line quality is better than that of the rest; the joining strokes in the questioned are convex while in the rest they are concave; the penpresentation is more to the left in the questioned than in the rest; the slope of P. 2284P is much more upright than in the rest;

the spacing is wider in the standards; penlifts occur at different places in the standards as compared with the questioned: the detailed design of the standard signatures obviously differs from that of P. 2284P.

The writer of the Marathi signature on P. 2284 (1)P was in all probability the same as the writer of the same signature on P. 2284P. It is difficult to be definite owing to the former being written over printed words and blurred.

So far as I can judge from the rather small amount of copying pencil writing at the end of P.953 underneath the writing scord out that pencil writing was not written by the person who wrote the bodywriting of the exhibit.

In my opinion so far as I can judge from the small amount of Urdu writing encircled in red on P. 1688 (the word 'bharawala') that writing or word was not written by the writer of the Urdu unenclosed and alongside it. The ink of these 2 Urdu writings is obviously different.

Shown as standards P. 434, P. 1421, and P. 1434 for comparison with the writing below the photograph P. 1383 I am of the opinion that all these writings were written by one person.

In my opinion the manuscript at the top of pages 3 and 4 of P. 335 was written by the writer of D. 666. My reasons for this opinion are; the style in both is rather broadly elliptical; they were both written with a combination of the finger and hand movement; in general appearance they are both clear and rather neat; D. 666 being rather more elementary than P 335; there are signs of penscope in both; the penpressure in both is about the same; the alignment in both is fairly even and level; the speed of writing is lower than average and the line quality is only fair; the same habits of location of letters is found in both e. g medial g has its top higher than the neighbouring letters and the top of t is higher than the top of h; the joining strokes in each are broadly elliptical to round and of medium length; the penpresentation is about 12 degrees to the right in both; the slope in both is about the same being nearly upright; the spacing between words in both is rather more than average; the maximum and minimum number of letter written at one operation is 8 or 9 and 1 or 2 respectively; as regards the similar habits of detailed design in both note the stroke joining o to the next letter, the rather low wide loop of y, and the words youth and yours both with a capital y; the terminals in both are short, rather flat and usually pointed.

I am of the opinion that the writer of P. 1350 (8) also wrote D. 341 (1), (2), and (3).

In my opinion the whole of P. 1260 was made by a Duplicator and is not an original typewritten document.

(Defence wished to put to witness certain other entries in P. 42, P.43, P.45 and P. 46. These are diaries found in possession of Ghosh accused on certain entries in which the prosecution has relied and about which Col. Rahman has proved that the generality of the entries are in Ghosh accused's handwriting. Mr. Sinha wanted to put to the witness that the entries on certain pages were in the same handwriting as pages to which Col. Rahman has deposed. Crown Counsel urges that this is unnecessary and it certainly appears to me that unless there is something about any such entry which makes that point doubtful the presumption is that all such entries are in Ghosh's handwriting).

I usually take as signs of disguised writing exaggerated shapes of letters and a considerable degree of variation in the shape with a tendency to uniformity in some places. The characteristics attempted to be disguised usually are slope, and forms of letters. The effort to disguise may result in the penlift occurring in places where they do not occur in the normal writing but it is not a usual characteristic of disguised writing. The signs making a handwriting characteristic and distinctive are a fairly definite uniformity in the design of letters and what may be called signs that a person is used to writing. I judge these signs from the writing of the document I am examining. In all the cases in which I have given an opinion about English writing I consider that the writers are used to writing in English. I can give no idea about the period of time for which the particular person has been writing. Generally speaking it is a fact that the writers in whose cases I have not thought it worth while to give detailed printed reasons are more characteristic and full of individual features than those for which I have given printed reasons. I think it is possible for a person who is not a handwriting expert to apply the movement test to a piece of writing provided he knows the signs of the various movements and is also fairly well educated himself. For mere applying of the test previous practice is not necessary. I think it is quite possible for him to come to a correct opinion about the movement and even probable. I would describe as an expert in handwriting a person who knew the signs of the various tests and who had had 5 or 6 years practice in applying them. The opinion of a nonexpert on these characteristics would not be as reliable as that of an expert. I don't think the opinion of a nonexpert on the question whether a document is a piece of forgery or not would be reliable. One reason is that a non-expert is apt to be misled by general resemblances of formation. Formation taken in the sense of very general appearance or pictorial effect is not a reliable test. It can be very misleading. General appearance, one of the tests I have used, I would include under the meaning of

the word 'formation'. I don't think I would include any of the other tests under the head of 'formation' as a test. 'Formation' is mentioned in several handwriting textbooks, and condemned as unreliable as a test in some. My impression from my studies in this subject is that there is great vagueness about the exact meaning of the word 'formation.'

I do not know how a photostat copy is produced. I believe it is a reproduction from a photograph, but I really don't know. What is black in a photograph is white in a photostat and vice versa. As regards typewriting I agree with the opinion of Osborn that what are known as photostat photographs are almost useless and in some cases actually misleading when they are photostats of typewriting. That is not my opinion about a photostat of manuscript writing. I agree with the opinion of Osborn that in photostats much detail is lost and that ordinarily these photographs are not desirable for disputed document illustrations and sometimes serve to hide some of the most significant evidences of forgery. P. 2382 P1 is an extra-ordinary clear photostat and I personally should be prepared to give an opinion on it. I say this without having access to the original, and without reversing it into black on white.

Sd. R. L. Yorke

26. 2. 31

Continued on S. A.

By 'discover' in the last sentence of the last paragraph but 4 of my statement on 24th February I meant that I could not say whether there were or were not signs of forgery in those three documents. Speaking from memory I examined only a very few photostats of typewritten documents in this case. In connection with the typewritten documents besides the enlarged photographs already placed on record I prepared other enlarged photographs of 2 or 3 documents, which are subject matters of my evidence. They related to opinion No. 38A (M. N. Roy). Besides those I did not prepare any other enlarged photographs of typewriting. The other enlargements of typewriting which I have not filed were prepared before the institution of this case. I have made no other notes about the development of faults with the lapse of time in any of the typewriters except those which are already on record. I have not made any attempt to find out the make of any of the typewriters in this case, or the year of manufacture of any such typewriter, as I was not asked to do either of these things. It is not necessary for me to go into the history of the development of a particular make of typewriter in order to be able to say whether or not 2 documents were typed on the same machine of that make. I did not prepare any juxtaposed photograph of the letters in the

2 typewriters mentioned in opinions nos 24A, and 24B, one set of documents against the other. I made no inquiry about the dates of the documents included in these 2 opinions. I do not think that I have more notes on the documents mentioned in opinion 24A besides those I have put on record.

Looking at P. 1859 and P. 2448 it is impossible for me to give any indication as to the time which has elapsed between their being typed judging from the typewriting alone. It might be possible for me to say whether P. 1859 was produced before after or in between the times when P.1008 and P.526 (43) were typed but I could not do so without considerable time for photography and study. In my opinion it would not be correct to say that P.526 (43) and P. 2448 are typed on machines of different makes. I agree with the opinion expressed by Mr. Brewster in his pamphlet on page 9 para 2 that where a machine carries 2 or more letters on the same typebar, the carriage being operated by a shift key, defective alignment of the capital letters may be due entirely to defective shift key mechanism.

With reference to the juxtaposed photograph P. 2575 the a's of the word 'organisation' taken from the last line of the body of P.345 are not so clearly reproduced in P.2575 as in their original; the a's in 'yours fraternally' of P. 1348 (34) are about as well reproduced in P. 2575 as they appear in the original, and in the original these 2 a's are somewhat indistinct owing to light typing; the same applies to the 'a' of 'I hope that' in P.526 (43) reproduced in P. 2575. In the words 'yours fraternally' in P. 1348 (34) the second 'a' has a higher alignment than the first. The 'a's' of 'necessarily' and 'I hope that' in P.1859 print more clearly than those referred to above. The 'a' of 'I hope that' and 'necessarily' is on a higher alignment than the neighbouring letters including the first 's' of 'necessarily,' making due allowance for heavy printing of that 's' and comparatively light printing of that 'a.' My conclusions about spacing formed or confirmed after making these enlarged photographs.

In P.1007 in the word 'opportunity' the 2 'p's' have a slope to the right. I see no appreciable difference in the slope of the 'p' in 'I hope that' in P.1859 and of the 'p's' in 'opportunity' in P.1007. Using the juxtaposed photograph P.2575 only, the slope of 'p' reproduced from P.2248 is the same as that of the 'p's' just mentioned, so far as I can see. Using P.2575 only the one 'f' illustrated from P.1348 (34) has possibly a slight slope to the left but it is hard to say from this one illustration. The fact that the 'f' in 'fraternally' is thin at the bottom end of the downstroke is purely accidental and is not found in other 'f's' in the same document. In P.2575 in 'best wishes' from P.1008 the 's' of 'best' due to heavy printing does not show so well the slope to the left found in the

last 's' of 'wishes.' The 's's' of the following words on P.2575 show best the slope on the 's', second 's' of 'necessary' in P. 526 (43), first 's' of 'necessarily' in P.1859, the 3 's's' in 'best wishes' in P.377 and the last 's' in 'best wishes' in P.1008. Provided that a machine is kept in constant use for a year I think that faults of spacing and alignment will be more pronounced at the end of the year, though quite possibly not visibly so without extraordinarily big enlargement of welltyped matter. So far as I know no average figure has been worked out for the time it takes for a machine to be in use to develop faults visible to the naked eye.

( Mr. Sinha wishes witness to examine a large number, apparently 24, typed documents tendered by defence already in order to ascertain if they are from the same typewriter, to prove that they are reports of Thengde accused's speeches and copies of his writings. Witness: It will take me at least a week to make such an examination. ( Defence Counsel says he will take time to consider whether to press the question. ) I asked the prosecution in the case of some of the typewritten documents about which I have expressed opinions whether they could give me an exact copy of the document from the suspected machine. I probably made it on 2 or 3 occasions. The first occasion must have been at least a year ago and the last within the last 6 months. No exact copies were furnished to me. I understood that the typewriter was not available. I was asked to examine other typewritten documents besides those referred to in my opinion no. 19A, with a view to see whether they also were written by the machine in question. I was asked altogether about 19 questioned documents and gave an opinion about 9 of them. In some cases an opinion was finally not required and in the majority of those not appearing in the opinion my conclusion was that they were not typed by the machine indicated in the opinion or as in the case of envelopes that the material was insufficient. The documents also examined were P. 1473 (1), P. 1829 (1), P. 1833P, P. 1957, P. 1958, P. 1976, P. 2328P1, P. 2329P, P. 2329PE1.

I was asked in connection with opinion no. 38A to examine more than 15 exhibits, about another half dozen. I have not got their numbers here.

As regards opinions 24A and 24B (Dutt's typewriters) I was asked to examine more than 18 exhibits including some I was asked to examine at a later stage. Apart from those mentioned in opinions 24A & B I examined P. 1686, P. 1586E1, P. 1686E2, P. 1636E3, P. 2160. I do not remember having been asked to examine any other person's typewriting than those indicated by the opinions I have given.

With reference to opinion No. 38A (Roy) I did not examine



the documents with a view to finding out whether they were typed by the same operator or not. I cant say without examining the documents in the light of the question whether I could give an opinion on the point or not. Occasionally such an opinion can be given. Speaking offhand I can say that the typing on the documents included in that opinion was done by a fairly expert typist. I dont know any other sign that the operator wishes to remain anonymous or to conceal his identity in a typewritten document except the omission of his name; I mean a sign special to typewriting.

Mr. Sinha asks the witness to examine P. 1300, P. 1011, P. 1010, P. 1350 (5), P. 2186 and P. 2187 and to say whether they are by same writer and if not by how many different writers: I cant undertake to give an opinion within half an hour. (The first 3 documents were then excluded.) I am of opinion that P. 1350 (5) was not written by the writer of P. 2186, and that P. 2180 and P. 2187 were probably written by the same persons. These are however very offhand opinions, and I realise that giving opinions in so offhand a manner is taking a big risk of being wrong. From recollection I can say that P. 1300 and P. 1350 (5) were not written by the same person.

So far as I can judge after 25 minutes examination of them P. 1300 and P. 1350 (5) are not written by the same person but I consider the time available for their examination to have been much too short, and I should have liked more material written by the writer of P. 1300. I would like more material of the writer of P. 1300 to be made available.

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27.2.31

*Continued on S. A.*

I was given yesterday further material written by the writer of P 1300 according to the opinion already given by me in regard to that writer. (Ghate no. 7). My opinion now about P 1350 (5) in that the signature to be telegraphed was certainly written by the writer indicated in my opinion no 15 (Mirajkar). It is possible also that the bodywriting also was written by him but I think the stronger probability is that it was written by the writer indicated in opinion no. 7. In the juxtaposed photograph P2565 I took from P 1350 (5) 2 words namely the signature 'Mirajkar' just referred to and the word 'Bombay'. I think the photograph of this signature in P2565 is what I should call a fair reproduction of the original signature. The terminal of the r of this signature is very like those of the following 'Mirajkar' namely P1355 (7b) in 2 places, P836, P837, P526 (27), P1355 (7a), P1373 (7), P1511, to some extent that in the address of the postcard P2285 (2)P. By P1511 I mean the Mirajkar in the 1st line of the renewal of passport form P1511, on the side headed Form (E). In the following the

beginning and terminal of the word Mirajkar resemble to some extent those of P 1350 (5) namely P1247, P1355 (7b) in 2 places, P1355(2) in 2 places, P1348 (17) and P 1511 the one just referred to on Form (E). No underlining is found under the word Mirajkar in the telegram P1350 (5). This signature also has not to the full extent the peculiar appearance found in signatures with the double S initial and the peculiar 'ir'. No other 'Mirajkar' on the standard side resembles so closely that in P1350 (5) as does the one on Form (2) side of P 1511.

So far as I can understand the meaning of the middle paragraph on page 124 of Hagan on Disputed Handwriting I agree with the view expressed. I don't entirely agree with the middle paragraph of page 137 of the same book as I think the author exaggerates the difference between the writing processes involved in ordinary writing as against signature writing: I must add, so far as I understand the paragraph. I agree only to a small extent with the view expressed in the sentence beginning 'writers usually adopt' on page 79 of the same extent, I think it possibly holds true in a few cases. I do not agree with the rule Hagan suggests in the sentence beginning 'this condition' on page 136 of his book, so far as I can gather what he is talking about. Personally I think that the best material for comparison is all sorts and conditions of a man's handwriting, even in cases where his signature writing differs from his ordinary writing. I agree with Hagan that the best standards for comparison are those written about the date of the disputed writings, as expressed by Hagan at the bottom of page 84 et seq. I agree with the view expressed by Osborn on page 27 of his book namely that the best standards of comparison are those of the same general class as the questioned writings and as nearly as possible of the same date. I agree with what is said in the middle paragraph of page 19 of Osborn's book. (All reference are to 2nd Edition. 1929) Speaking from memory to some extent the following writers write their signatures in a manner somewhat divergent from their ordinary writing, namely those indicated in opinions nos. 15 (Mirajkar), and 26 (F.D. Mansur). I have not specifically examined the handwriting in all the cases covered by my opinions in that light. It all depends on the degree of divergency whether the signature of a man who has a specialised signature writing would be a suitable standard for comparison with his ordinary handwriting.

I do not think the signatures and name Jhabwala on P1939P, P2282 and P1 are lacking in characterfulness. I think that the signatures on P 1445 (5) and P1445 (2) have possibly more characterfulness than those 3 while that on P 1451 has about the same degree. I think that the 2 signatures R. Palme Dutt on P 2394P2 and on P 2139 are if anything more characterful than those just mentioned. The degree of characterfulness of these 2 signatures is

the same. As a photostat P2394P2 is quite a good one, but is not one of the best.

In the case of some documents at least half a dozen I applied the test of graphic averages more or less as described in Fraser's book *Bibliotics*. I did not make out any chart. I simply have the actual measurements I made and their averages. I examined no other writing characteristics than those mentioned in my opinions. I made no notes of differences in writing characteristics about any of the writings I examined. I agree with the view in regard to divergencies expressed on page 262 of Osborn's book in the para beginning 'It also needs.' I also agree with the view expressed in the last para on page 406, and that expressed in the 1st para on page 432. I would agree that movement is a qualitative test and like speed is a relative term. I also agree that the test of movement depends largely on the experience of the examiner and is to some extent a subjective test. I am not prepared to say that the best of experts can correctly disagree that a particular writing shows a particular movement just as they may disagree in the matter of judging fast and slow writing. I am not prepared to say that the best of my experts may disagree in the matter of judging fast and slow writing. Personally I am inclined to doubt it. I agree that a skilful forgery must have very nearly the same general appearance as the model, or models. I agree that fatigue, excitement, haste etc as mentioned on page 97 of Hagon's book may operate to affect materially the general appearance of the writing, and may have been present when a questioned signature was produced. It depends on your definition of line quality whether this (linequality) depends on the writing instrument or the paper; linequality does depend on the relation of the writing instrument to the writing surface, the muscular skill of the writer and the movement employed. It all depends on the nature of the point of the stylo-pen whether the penpressure used when writing with such a pen would be different from that used when writing with an ordinary pen. If the point of the stylo-pen were liable to catch in the paper for instance the pressure would naturally be lighter. The characteristics of slow writing such as is found when a man takes a very long time to write a very little piece of writing are usually the presence of finger movement, a poor line quality and absence of the signs of speedy writing. Mental and physical conditions may make a difference in a persons's writing characteristics, and so may time. It is impossible for me to generalise as to whether there would be more difference between the writings of a slow writer with an interval of 5 years between them than there would be between 2 such writings of a fast writer. I cannot agree that there are the 4 classes of handwriting characteristics as mentioned in the 1st para on page 37 of Osborn's book. I do not think that anyone is justified in saying that any handwriting chara-

teristic or quality is permanent or fixed unless one has seen all the writings ever written by the person concerned. I agree with the 3 principles given by Osborn on page 250 provided that a regular system or national system of handwriting is in vogue. Only the second principle of these 3 applies to Indians' or Germans' English writing because there is no regular or national system of English handwriting. I agree with the last sentence on page 257 of Osborn's book. I agree with the 1st para on page 258, though I have never had to apply it. I agree with the para beginning 'if error is to be avoided' on page 380 of Osborn's book presuming that by resemblances and differences he means similar and different writing characteristics. I also agree with the last para on page 381 of Osborn, to some extent. I agree with the statement in para 2 on page 383 beginning 'many citizens' but it does not say much. I also agree with the para beginning 'many technical questions' on page 621 of the same book.

P. 2002C, C1, C2: Looking at these one can say at once that P. 2002C and P. 2002C2 are typed on different machines. P. 2002C1 and C2 are apparently an original (C2) and its carbon copy (C1).

The characteristics which I have described in the reasons for my opinions are the writing habits of the respective writers to whom each opinion relates, as made visible in their writings. These writing habits given in my reasons were found out by me during my examination of all the documents to which each set of reasons applies. Generally speaking these writing habits will be found in all the normal writing of the person concerned. I don't know of anyone else except Osborn who applies to handwriting the Law of Mathematical Probabilities. I am not aware whether this application of mathematical probabilities to handwriting is disputed by other experts. I agree generally with the 2nd and 3rd paras on page 233 of Osborn except that I do not quite agree with his word 'assumed' in the 3rd para. I think there is in all such applications of this mathematical law a certain amount of assumption, which Osborn himself makes in his books, such as his assumption that certain writing habits will be found common to one person out of every so many. I should personally place a good deal of reliance on the identification by a person of good education and reasonable mental ability of the signature of a person whose signatures he knew well or was well acquainted with. I should not personally say that a man who had only seen one signature of a writer could be held to know that writer's signature. I agree that the degree of probability of correct identification would be still less if the one occasion on which the person had seen the writer write his signature happened 4 or 5 years ago, but much depends on their memory and their powers of observation. (Crown Counsel objects.

to the admissibility of this evidence as Mr. Stott is a handwriting expert and not a psychological expert.)

The view expressed by me in the sentence beginning 'consequently most' in the printed portion of my examination in chief does not appear in any handwriting book and is my own personal view in this case.

Sd. R. L. Yorke

28. 2. 31.

*Continued on S. A.*

Other than the documents included in my opinion No 38 A (Roy's typewriter) I also examined exhibits D. 371, D. 374, P. 2380 (2), P.2380 (3), P.2323 (1), P.1348 (37) and P.2159P1.

By Ghosh accused. D. 207 (3) and D. 241. I am of the opinion that the 2 signatures on these 2 documents were written by the same person (Arthur Moore).

D. 165 (2) and D. 236. I am of the opinion that the 2 signatures at the end of these 2 exhibits were written by the same person, (Joh. Sassenbach).

D. 245 and D. 271. In my opinion the 2 signatures on these 2 exhibits were written by the same person. (S. M. Padshah.)

D. 276 and D. 253. In my opinion the 2 signatures on these 2 exhibits were written by the same person. (S. K. Basu).

D. 291 and D. 292. In my opinion the 2 signatures on these 2 exhibits were written by the same person. (V. V. Giri.)

D. 255 and D. 257 and D. 140 (5). I am of the opinion that the 3 signatures on these 3 exhibits were written by the same person. (F. T. Washington.)

D. 259, D. 177, D. 30 (16). In the case of 2 latter the signatures are cyclostyled and are very indistinct as to detail but nevertheless I can see no reason for supposing that they were not all 3 written by the same person. (Subash Bose.)

D. 73 (8), D. 207 (9), and D. 127. I am of the opinion that the 3 signatures on D. 73 (8) and D. 127 were written by the same person, I am unable to offer a reliable opinion on the signature of D. 207 (9), because it is a stamped signature and has little detail visible in it. (K. C. Mitra.)

None of the signatures mentioned in the evidence given by me to-day shows any signs of forgery.

By Nimbkar accused. I appeared as a witness in a case

against one Uma Datt Sharma in the Court of Mr. Allsop Sessions Judge Aligarh in 1928. I dont remember whether I asked the Judge for standard signatures and whether he refused to supply them. I dont remember whether I expressed to the Court my great difficulty in coming to an opinion on the signatures given to me for examination. I possibly did so.

So far as I remember I was in that case given some signatures as standard signatures. The standard signatures I was given were not forgeries. I was not told afterwards that some of the signatures given to me for examination were admittedly forged by certain persons in the presence of the Judge. I expressed the opinion about 4 of the questioned signatures that 2 of them were probably written by one person and that the other 2 were probably not written by that person; this is my recollection of what I said. I dont know as I have not seen the record of the case, but it is possible that I indicated by this opinion that 2 signatures which were known to the Court to have been written by 2 different persons were written by one person. I dont know whether the accused in that case was acquitted. (Question in regard to the opinion of the Sessions Judge in S. T. 48 of 1928 of Aligarh regarding Mr. Stott's evidence in that case disallowed. Crown Counsel referred to section 155 Evidence Act and to the ruling reported in 4 Calcutta Weekly Notes at page 684.)

I know that I did appear before the Asst. Sessions Judge of Hardoi in 1928 or 1929 in a case about a cheque. I gave an opinion that the cheque in question was written by a person whose standard writings were given to me. I do not know whether I was told that the standard writing was that of the accused; I don't remember being told that the allegation of the prosecution was that the accused wrote the signature on the cheque. In that case another handwriting expert was also examined, Mr. Philip Hardless. I know that Mr. Philip Hardless (Crown Counsel objects to this evidence but accused undertaking to call Mr. Hardless the objection was withdrawn.) gave evidence that the signature of the cheque was not that of the accused in the case. (Question as to that Court's opinion on Hardless' evidence as well as witness'es disallowed.) I dont know if the accused, was acquitted in that case. (Accused states that the case referred to was S. T. No. 4 of 1929 of the Court of Asst. Sessions Judge, Hardoi.)

I have given evidence in Civil cases. In some cases the prosecuting counsel comes in persons and asks for my opinion on points; in most cases this is not so. I never examine documents in criminal cases with the help of the prosecuting counsel. The reasons given by me in this case are reasons I have deduced from the matter before me and were not given with 'the sole object

of assisting the prosecution case.' (Words in apostrophes indicate form of question.)

By Dange accused. When I receive any document for examination from any Court I always put on it my office stamp and usually initial inside the stamp. When I receive documents for examination from the office of the Director Intelligence Bureau I usually do not put my stamp on them. I stamped many but not all of the documents which I examined in the present case with my office stamp. I know that I did not put it on several hundred of the documents I examined in this case, partly because I was under the impression that the Court might not perhaps wish me to do so. The fact that a document in this case bears my stamp indicate that I have examined it and that I understood I had the permission of this Court or the Lower Court to do so. There may be one or 2 exceptions to this of documents bearing my stamp, such documents being some of the documents which I examined before this case came into Court. I cannot say from an examination of the stamp whether I examined a stamped document before or after institution of this case. I do not date the stamp. I think that from the records kept in my office I can say in the case of some of the documents whether they were examined before or after the case was instituted. I used either one and the same stamp or 2 or more very similar stamps for all the documents in this case. These stamps remain in the possession of my branch of the Director of Intelligence Bureau's office. I put on the stamp the moment I take up a document before completing its examination. The stamping is usually done by me but it may be done by one of my subordinates. I instruct them to stamp documents by giving oral instructions. My Assistant is also an expert attached to the Director of Intelligence Bureau's office. I cannot say from an examination of the document on what date I examined it. I very often write an identifying number to the document examined inside the stamp. If a document is not already stamped my assistant puts a stamp on it when he examines it; he uses the same stamp which I use. My recollection is that I only examined P. 1833 P after the institution of this case. The same is the case with P. 1876 series. I remember that I examined P. 377 and P. 377 (1) before the institution of this case. It was some time towards the latter end of 1928 so far as I remember; the meaning of the entries in the stamp on P. 377 is as follows: the number H. 3373 is my office case serial number, the W is the indentifying letter I gave to this document and the initials are those of my assistant. Both I and my assistant examined this document. The reason why I did not put my serial number in the stamps on documents which I subsequently examined in this case was partly lack of time and partly a fear that the Court might not like it. From memory I can say that I received these documents P. 377 and P. 377 (1) originally for

examination from the Deputy Director of the Intelligence Bureau. I also gave to him at that time an opinion about these 2 documents. I have given no opinion on whatever manuscript writing there is in P. 377 (1) in this Court. As far as I remember I gave an opinion only on the typewritten part of these 2 documents P. 377 and P. 377 (1) then also. When I was given these 2 documents originally I was given some other typewritten documents for purposes of comparison. I don't think that the document or documents which were supplied to me as material for comparison have been shown to me in this case.

By other accused. NIL.

REXXN. The reason why I mentioned in so many places the resemblance in general appearance is that if there had been an absence of similarity in general appearance I should have had to take that fact as a fairly strong factor against the documents being by the same person.

In P. 2059 P the left hand margin is of medium width and widens out towards the bottom of the main body writing. That is a feature which I found in the documents dealt with in my reasons for opinion no. 3 (Gopal Basak).

I found that all the photostats which I expressed an opinion about in this case had sufficiently sharp definition and were clear enough to enable me to give an opinion from them without any trouble. They were far better than many photostats on which I have expressed opinions.

Unlike other documents shown to me I remember the telegram P. 1350 (5) the moment I saw it, because I had had a great deal of difficulty in placing it with one or other of several writers. At the time when I was examining it originally and forming my opinion I had already examined and had before me spread out on 2 or 3 tables the documents mentioned in the opinions relating to Dange, Adhikari and Mirajkar (nos. 5, 1 & 15.) At the time I remember I found it difficult to identify P. 1350 (5) with any of these writers except as regards the name at end of body of telegram which I definitely identified with the person indicated by opinion no. 15. A truer statement of the conclusion I actually arrived at at that time than the one given in my opinion no. 15 would have been that the signature or name at the end was written by the writer indicated in opinion no. 15 and that he probably also wrote the bodywriting but indicating my opinion no. 15 which was both long and complex in its description of the specific parts of the various documents I wished to cover in my opinion I overlooked the actual conclusion I had arrived at about P. 1350 (5).



At Mr. Sinha's request I provided him with a number of books, including those by Osborn, Fraser, Brewster, and Hagan.

Sd. R. L. Yorke

. 2. 3. 31.

Read and admitted correct.

Sd. R. L. Yorke

3. 3. 31.

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Saraswati Machine Printing Press, Meerut U. P.

Inspector R. R. M. Deobhankar on S. A. No.190 in Lower Court. In English.

I am a Police Inspector in the Police Training school at Nasik. From June to September 1928 I was doing reporting work. In the last 6 months I have been doing political work and not reporting. During the period June to September 1928 I was on duty in Bombay and in the course of my duty used to attend strike meetings and report speeches made there. I took the speeches down in Marathi shorthand. My shorthand notes are here and were produced in the Lower Court. Since giving evidence in the Lower Court I was directed to transcribe my original shorthand notes and have done so. In the Lower Court I was shown certain English reports of speeches which were my versions of what I took down in Marathi shorthand. That was because our reports had to be in English and so we transcribed and translated at the same time.

On 14th June I attended a meeting near Gokhale Hotel Bombay at which Alwe, Nimbkar and Mirajkar accused were present. Nimbkar and Mirajkar spoke and I took shorthand notes of his speech. Exh P. 1696 M1 and M2 are the transcriptions I have recently prepared from my shorthand notes. They correctly record what the speaker said. My shorthand notes are available here for checking.

On 25th June I attended a meeting at Nagu Sayyaji's Wadi in the morning. Mirajkar and Nimbkar accused were present and P. 1697 M is my transcription of Mirajkar accused's speech and is a true record of what he said: it is recently transcribed by me and the notes are in Court.

On 5th July I was present at a meeting at Damodar Thackersey Hall at which Mirajkar, Alwe, Dange, Jhabwala and Joglekar accused were present. I took down among other Jhabwala accused's speech and Exh P. 1698M is a correct record of what he said transcribed recently by me from my Marathi shorthand notes which are present in Court.

On 19th July 1928 in morning I was present at a meeting at same place at which Alwe, Kasle, Mirajkar accused were present. I took down Alwe's speech and Exh P. 1699M correctly records in Marathi what he said. It is a transcription recently made from my original shorthand notes, which are here in Court.

On 21st July 1928 in morning I was present at a meeting at same place at which Mirajkar, Alwe, Nimbkar and Joglekar accused were present. Mirajkar spoke and I took his speech down and

Exh. P. 1700M correctly records in Marathi what he said and is a recent transcription of my shorthand notes which are here in Court.

On same day 21st July I attended in evening a meeting at Marwari Vidyalaya Hall at which Mirajkar, Jhabwala, Nimbkar, Alwe, Bradley, Dange and Joglekar were present. Among others Jhabwala, Mirajkar and Dange spoke, the latter in English. I took down the speeches of the first two in Marathi shorthand and tried to follow Dange in English longhand. The longhand notes of Dange's speech are in my notes mixed with some words in Marathi shorthand. I sent in my report of his speech next day. I wrote it up that night at a time when my memory was fresh. The report of his speech in Exh P. 1701 correctly records what he said. I refer only to the ink part. The pencil alterations and corrections must be those of the Deputy Commissioner for the purpose of his report to Government. P. 1701 M1 and M2 correctly record in Marathi what was said by Jhabwala and Mirajkar respectively said. Both these were recently transcribed by me from my original shorthand notes which are present before the Court.

On 22nd July 1928 I was present at a meeting in the morning near Gokhale's Hotel at which Mirajkar and Kasle accused were present. Mirajkar spoke and I took down his speech and Exh P. 1702 M correctly records what he said. It has been recently transcribed by me from my original shorthand notes which are before the Court.

On 24th July I attended a meeting in morning at Damodar Thackersey Hall at which Joglekar, Mirajkar and Bradley accused were present, and spoke. Bradley in English and the other 2 in Marathi. Bradley used to speak a sentence which Mirajkar translated into Marathi. I took them all down in Marathi shorthand therefore. I took down none of Bradley's speech direct in English. I understand Bradley accused's speech and found that Mirajkar translated it correctly. Exhs P. 1703 M1, M2, M3 correctly records what Joglekar, Mirajkar and Bradley as translated by Mirajkar said. All these have been recently transcribed by me from my shorthand notes which are present in Court.

On 26th July I was present at a meeting in the morning at the Damodar Thackersey Hall at which Mirajkar, Alwe and Jhabwala accused were present. Among others Mirajkar spoke and I took down his speech in Marathi shorthand. Exh P. 1704M correctly records what he said in Marathi and was recently transcribed by me from my Marathi shorthand notes which are before the Court.

On 29th July in the morning I was present at a meeting near the Spring Mills at which Mirajkar, Bradley, and Joglekar accused were present. Among others Bradley accused spoke.

He spoke in English and Joglekar translated it into Marathi correctly. What Bradley said as translated by Joglekar was taken down by me and is correctly transcribed by me in Exh P. 1705 M.

On 31st July 1928 I was present in the morning at a meeting at Nagu Sayaji's Wadi at which Mirajkar, Alwe, Nimbkar were present. Among others Nimbkar and Alwe spoke and I took down there speeches and Exhs P. 1706 M2 and M1 both recently transcribed by me from my shorthand notes correctly record what they said respectively. The notes are here in Court.

On 3rd August in morning I was present at a meeting at Nagu Sayaji's Wadi at which Alwe, and Mirajkar accused, were present. Among others Alwe accused spoke and I took it down in shorthand. P. 1707 M correctly records what he said and is a transcription from my shorthand notes which are before the Court.

On 6th August 1928 I was present at a meeting at Delisle road in the afternoon at which Mirajkar, Alwe and Kastle accused were present. Among others Mirajkar accused spoke and I took his speech down in Marathi shorthand. Exh P. 1708 M is a transcription of my notes and correctly records what he said. My notes are here in Court.

On 7th August 1928 in afternoon I was present at a meeting at DeLisle road at which Alwe, Mirajkar accused were present. Among others Mirajkar accused spoke and I took down his speech in Marathi shorthand. Exh P. 1709 M is a transcription from my shorthand notes which are here in Court. It was transcribed by me in Bombay on 11th August 1928. It correctly records what he said.

On 9th August 1928 I was present in the afternoon at a meeting in DeLisle road at which Alwe, Dange, Nimbkar, Jhabwala, and Bradley accused were present. Among others Nimbkar, and Bradley accused spoke. The latter spoke in English and Jhabwalla translated into Marathi sentence by sentence correctly. I took down both speeches in Marathi shorthand and P. 1710 M1 is my transcription of Nimbkar's speech which correctly records what he said. P. 1710 M2 similarly records what Bradley accused said as translated by Jhabwala into Marathi. Both have been recently transcribed from my shorthand notes which are here in Court.

On 10th August in afternoon I was present at a meeting near the Kaisarihind mills at which Mirajkar accused was present and spoke. I took his speech down in shorthand and P. 1711 M recently transcribed by me from my shorthand notes which are here, correctly records what he said.

On 12th August 1928 I was present at a meeting in the afternoon near the Moon Mills, Sewri, at which Kastle, accused was present and spoke. I took his speech down in Marathi shorthand and

P. 1712 M correctly records what he said and was transcribed recently from my original Marathi shorthand notes which are here in Court.

On 14th August 1928 I was present at a meeting in the afternoon near Spring Mills, Naigaon, at which Nimbkar accused was present and spoke. I took his speech down in Marathi shorthand and P. 1713 M correctly records what he said in Marathi and was recently transcribed by me from my shorthand notes which are here in Court.

On 15th August 1928 I was Present at a meeting held in the afternoon at Lalbagh at which Mirajkar accused was present and spoke. I took his speech down in Marathi shorthand and P. 1714 M correctly records what he said in Marathi and was transcribed by me recently from my shorthand notes which are here in Court.

On 16th August 1928 I was Present at a meeting at DeLisle road in the afternoon at which Kasse, Mirajkar, Nimbkar, Bradley, Joglekar, and Dange accused were present. Among others Joglekar accused spoke and I took his speech down in shorthand. Exh P. 1715 M correctly records what he said in Marathi and was recently transcribed by me from my shorthand notes which are here.

On 17th August 1928 in afternoon I was present at a meeting near Dadar Railway station at which Jhabwala, Mirajkar accused were present and the latter among others spoke. I took down his speech in Marathi shorthand and Exh P. 1716 M correctly records in Marathi what he said and was recently transcribed by me from my shorthand notes which are here.

On 18th August 1928 I was present at a meeting in the afternoon near the Moon Mill Sewri at which Mirajkar, Alwe, Kasse were present and Mirajkar and Alwe spoke. I took their speeches down in Marathi shorthand and Exh P. 1717 M1 and M2 correctly represent in Marathi correctly what they said respectively, and were both recently transcribed by me from my original shorthand notes which are here in Court.

On 19th August 1928 in the morning I was present at a meeting at DeLisle road at which Nimbkar, Kasse, Mirajkar were present. Mirajkar spoke and I took down his speech in Marathi shorthand. Exh P. 1718 M correctly represents what he said in Marathi and was transcribed by me recently from my shorthand notes which are here.

On 23rd August 1928 I was present at a meeting in the afternoon at Tak Bundar at which Kasse, Mirajkar were present

and the latter spoke twice. I took both speeches down in Marathi shorthand. Exh P 1719 M and P 1720 M correctly record his speeches in Marathi and were recently transcribed from my original shorthand notes which are here in court.

On 25th August 1928 I was present at a meeting in the afternoon at Petit Mills Lalbagh, at which Nimbkar, Mirajkar, and Bradley accused were present and the latter two among others spoke. I took down their speeches. I took Bradley's speech in Marathi as it was translated by Nimbkar, who translated it correctly. Exh P. 1720 M1 correctly records what Mirajkar said in Marathi and Exh P. 1721 M2 what Bradley said as translated by Nimbkar into Marathi. Both are transcriptions recently made by me from my original shorthand notes which are here in court.

On 2nd September 1928 I was present at a meeting in the morning at a meeting at Chameli Bagh, DeLisle road, at which Mirajkar, accused was present and spoke. I took down his speech in Marathi shorthand and Exh P. 1722 M correctly records what was said by him in Marathi and was recently transcribed by me from my original shorthand notes which are here in court.

In giving evidence about these meetings I have refreshed my memory by looking at my reports prepared usually on the same or the next day, and at my shorthand notes. All the transcriptions which have been put to me correctly reproduce the shorthand notes.

I see in court today the following accused: Joglekar, Jhabwala, Dange and Kasie, pointing them out. Mirajkar was in Court this morning. I saw the rest in the Lower Court. (Note: they are away owing to illness today.)

XXN. By Joglekar accused. (Accused begins by objecting to the Marathi transcriptions being brought on the record at this stage. The matter has already been dealt with in connection with the evidence of P. W 276 Inspector Deshpande. I do not think there is anything to add to that order except that the Court having at the request of accused had the Marathi transcriptions prepared can hardly refuse to use these and instead fall back on the admittedly inferior evidence of the gist reports. (Objection over-ruled.)

In the Lower Court I proved a document which was then marked Exh P. 1696 as a report of the speeches of Nimbkar and Mirajkar accused on 14. 6. 28. I said it and the similar reports were transcriptions of my shorthand notes. I was sent by the Deputy Inspector General of Criminal Intelligence Department at the request of the Commissioner of police. (Note: the Defence wish to use the originals P. 1696 etc., for the purpose of cross examination only and not with any sort of idea of admitting that they represent what the speakers said. I am permitting their use for

that purpose only, that is to enable the defence to use them if possible to test or show the weakness of the reporters' evidence.) The reports I submitted were translations of my shorthand notes but not full translations. I used to get my orders daily from Khan Bahadur Petigara. My orders were to attend the millstrikers' meetings and report the proceedings. We were not given orders to take down verbatim reports but it is our practice to do so. Our orders were to make detailed reports. My shorthand notes are a complete record of what happened at these meetings. I recorded the speeches in full. My speed is 100 words a minute. I found difficulty in following only one speaker at these meetings, namely Joglekar accused. I could follow Nimbkar accused, and Mirajkar, I could follow the workers but I did not take them verbatim. We were told not to take them in detail. We were told to take speeches of Joglekar, Dange, Jhabwala, Nimbkar, Kasle, Alwe and others in detail. Others were Lalji Pandse, Gadkari, but not Ramchandra. I was not asked to but did take N. M. Joshi's speech as far as I could. He is a fast speaker. My orders were to take in detail the speeches of prominent men that is leaders. I was told orally who they were. When someone spoke who was not included in the names given me I used to decide for myself, whether he was a leader and therefore to be reported verbatim or not. Other people, not leaders, used to come to the strike meetings. I dont know who were the members of the strike committee. I know colloquial Marathi. Bombay Marathi and Poona Marathi are not different. Spoken Marathi is different in some districts, e.g., Khandesh. I have never been in the Ratnagiri district. I come from Khandesh myself, and was educated there. I can follow Malvani dialect, perfectly well. Konkani and Malvani are the same to me. I dont know Bankoti language, or that of Goa and Sawantwari. I cant give the composition of the Bombay millworkers. I have not studied the difference between Sholapur and Khandesh dialect. They are all Marathi knowing districts and I can understand them. I did not attend any other political meetings in Bombay besides the strike meetings, or social meetings. I had reported speeches of Nimbkar at Poona but not in Congress meetings. I cant remember what meetings as it was so some years ago. Some 3 or 4 years ago I attended lectures on political subjects at the Spring Series, in Poona. I dont remember reporting any speech of Thengde accused at Poona.

(Sd). R. L. Yorke

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Continued on S.A.

I never took down any speech of Joglekar accused prior to the strike speeches. I dont know English shorthand. I have not passed

any examination in Marathi shorthand but there is a six-monthly departmental test. I have not had to appear for that since I became an Inspector, that is for the last year and a half. I learned Marathi shorthand in 1911. There is another system of Marathi shorthand invented by Bendre of Poona. We use Mankar's, which is based on Pitman's theory. My notes cannot be fully read by another man knowing the same system; some of the words could be deciphered by him. Nor would I be able to read another men's shorthand notes. I had no assistance in taking down my notes. There was another man with me but he was sent only for practice. I received no assistance from him in transcribing but in writing I sometimes used him, that is I sometimes dictated my report to him. He did not help me in checking. There was no time and so we did not check the reports at all. We also did not check them with his notes. I have prepared my Marathi transcriptions from my notes and have also checked them. After preparing my Marathi transcription I used to hand it to Inspector Deshpande and he used to read the Marathi while I checked with the shorthand notes. I helped him in the same way. I did not dictate my notes to anybody in the course of transcription. Nor did Deshpande dictate his notes to me in course of transcription. I did not write any of Deshpande's transcriptions for him. He wrote them himself. I have been doing reporting work since 1916. I have no diploma or certificate in shorthand. In the course of my Bombay duty I reported about 88 meetings. The largest number of meetings which I reported in one day was 3. On a few occasions only there were 3 meetings, but generally 2 meetings. I had no other duty besides this strike duty. I never took down a speech from hearsay. I did not always know the names of the speakers beforehand. I used to make inquiries afterwards and put in the names. Sometimes I made my inquiries from strike leaders and sometimes from other persons present in the meetings. I did not put any wrong names, to the best of my knowledge. In my shorthand notes for P.1696 M there is no mark indicating that I at any time failed to follow Nimbkar's or Mirajkar accused's speech. On 25th June a part of Mirajkar's speech telling the story of a monkey was not taken down; I don't know why. On 5th July there is no omission in Jhabwala's speech. On 19th July there is a portion, one sentence probably, in Alwe's speech, in the middle, which has been left out in reporting. On 21st July morning there is no omission in Mirajkar's speech in the notes. On sameday in evening there is no omission visible in my notes of Jhabwala's speech or of Mirajkar's speech. On 22nd July I find no sign of omission in my notes of Mirajkar's speech; on 24th July there are signs of omissions in my notes of Joglekar's speech but not of Mirajkar's or in Bradley's; on 26th July I find no signs of omissions in my notes of Mirajkar's speech; on 29th July none in notes of Bradley's speech; on 31st there is a sign of one omission in notes of Nimbkar's speech but none in notes.



of Alwe's speech; on 3rd August no sign of omission in notes of Alwe's speech; on 6th August no sign of omission in notes of Mirajkar's speech; on 7th August no sign of omission in my notes of Mirajkar's speech; on 9th August no sign of omission in my notes of Nimbkar's speech or my notes of the Bradley Jhabwala speech; on 10th August no sign of omission in notes of Mirajkar's speech; on 12th August no sign of omission in notes of Kastle's speech; on 14th August no sign of omission in Nimbkar's speech; on 15th August no sign of omission in notes of Mirajkar's speech; on 16th August no sign of omission but I have made a note that I could not follow Joglekar as he spoke very fast; on 17th August no sign of omission in my notes of Mirajkar's speech; on 18th August no sign of omission in my notes of Mirajkar's or Alwe's speech; on 19th August no sign of omission in my notes of Mirajkar's speech; on 23rd August no sign of omission in notes of Mirajkar's speech in morning or of his speech in evening; on 25th August no sign of omission in notes either of Mirajkar's or Bradley-Nimbkar's speech but there is a note in the latter that Nimbkar inserted a piece of his own in his translation of Bradley's speech (that portion was I think omitted in preparing my report of Bradley's speech and I find it is omitted in P. 1721 M though I have made no remark to that effect in the transcription or in the gist report in English); on 2nd September no sign of omission in my notes of Mirajkar's speech. There is no remark about Joglekar's accused's speech in my notes of his speech on 24th July. Apart from the omissions noted above there are no omissions in my notes and I took full notes of the speeches. The shorthand notes are a complete record of the speeches of the leaders.

On 2nd September besides Mirajkar accused Ram chandra striker another striker also spoke. In my memory other speakers at all the meetings which I attended. I mean speakers other than the accused, always advised the strikers to hold on. I was always present in time for the meetings except I think once when I was some 10 minutes late. I never missed any meeting which I had been directed to attend.

On 2nd September there was also a meeting in the afternoon. As I noted in my report that meeting ended 5 minutes after I reached it. The reason we arrived late was that the meeting was not declared at the morning meeting. A constable came and informed us in the afternoon and we went straight there with him and found it just ending. My notes and report do not contain the explanation of our late arrival. I don't remember the name of the constable who took us to this meeting.

Report of 25th August was sent in instalments, the final instalment or 2nd supplement being sent in on 28th August, the day it

was completed. I dont remember on what date the 1st supplement was sent but the 1st part was probably sent in on same day as meeting or next morning. At that meeting one striker, Kasle accused, another striker, a third striker also spoke.

On 23rd August Parasram, Ghada, Ramchander, Gadkari, another striker also spoke. In my shorthand notes there is a note that rain fell on the occasion of this meeting, and that because of rain I could not take full notes. (Accused wishes to tender in evidence the speeches of Ramchandra, Gadkari and Parasram on this occasion as necessary to explain matters contained in Mirajkar's 2 speeches and also the general circumstances of the strike. I will consider them from this aspect and pass orders later.) The final instalment is dated 25th August. It was sent in parts because all the parts were not ready together. The 1st 3 parts are not dated but part 1 was sent on 24th morning, part 2 on 24th evening, part 3 on 24th evening probably, and part 4 was not sent then because it was not ready with the 3rd.

On 19th August Pangarkar, Kashinath, one woman picketter, Gadkari, one other woman picketter also spoke. In my notes and report Kasle is shown as speaking. There are no initials but it was Kasle accused. I never heard Kasle accused's son speak in a meeting, and dont no him as I never saw him. (Accused wishes to tender the speeches of Kashinath and Gadkari in P. 1718 as explanatory of Mirajkar accused's speech and also evidence of the general circumstances of the strike and an explanation of the meaning of accused's stress on organisation. Orders reserved.)

(Sd.) R. L. York

27. 1. 31

Continued on S. A.

At that meeting Nimbkar accused opened a box publicly and said it contained Rs. 610/9/6 which were subscribed he said by men of the Water Department. I inferred that this was a joint meeting of the strikers and Municipal workmen because it was so said at the beginning of the meeting. A Mr. Pangarkar opened the meeting. I dont know whether he was Secretary of the Municipal Workers Union.

On 18th August there also spoke one striker, Marathi striker, Gadkari, Ramchandra, and another striker.

On 17th August there also spoke Gade, one striker, Marathe, Parasram, one boy. In my notes it is simply one boy but in my report I wrote one boy of a striker. That report was submitted in instalments and was ready on 18th and final instalment submitted on 19th.

On 16th August there also spoke one striker, Parasram, another striker, Ramchandra. I was also present at the morning meeting on that day. I cant remember whether at the morning meeting a decision was taken by the strikers to continue the strike. Whenever negotiations were going on the leaders used to come to the meetings and tell the strikers what was said and ask them whether they accepted what the millowners said. The strikers were asked to raise their hands in the meeting to show their approval or disapproval. In my notes the second speaker at this meeting is described as Parasram striker but in my report he is described as 'one striker'.

(Sd.) R. L. Yorke

28. 1. 31.

Continued on S. A.

In the meeting on 23rd August I heard complaints about the 3 loom system, the badge system and the bribery system in connection with getting employment. (Note. Apart from this general point for which witness has refreshed his memory from them I am of opinion that the speeches sought to be tendered in evidence by Joglekar accused on 27th January are not admissible in evidence and accordingly decline to admit them).

Accused wishes to tender Ramchandra's speech on 16th August in order to show mention of the 17 demands, to show the circumstances of the strike namely that this was the main point on which the strike was being fought. Orders reserved I heard frequent references to the 17 demands in the speeches in the meetings, both those of the accused and those of other speakers.

On 15th August (Note: P. 1714 M) the following persons also spoke; Ramchandra striker, one striker, Gade, Marathi, another striker. In my notes Marathe is called Marathe striker. I dont know if he was a jobber. I remember that complaints used to be made about jobbers harassing the workers. (accused wishes to tender speeches of Marathe and Ramchandra. Orders reserved. These speeches are said to explain, that is the speakers are said to explain the rascality of the jobbers and the working of the strike Committee, also character of resolve of strikers to hold on by going home to villages.) In connection with the reports of 2 speeches of workers on 15th August the Deputy Commissioner made a note that full notes or shorthand notes were required and not summaries. I know his handwriting.

On 14th August (P. 1713M) other speakers were Lad, Shiwalkalu, Gade, one striker, Ramchandra, another striker, a 3rd striker Parasram striker. My reports of speeches other than those of leaders are summaries both in the English reports and in the shorthand

notes. I took down what I thought was important in their speeches and left the rest. I used their language. (Accused wishes to tender the speech of Sakaram Lad to show that strike was being conducted according to the commands of the workers and not the will of the leaders. Orders reserved).

On 12th August (P. 1712M) other speakers were Gadkari, one striker; I often heard the leaders urging organisation and the workers in the meetings urging the necessity of organisation and maintaining the Union.

On 10th August (P.1711M) other speakers were 2 strikers Ramchandra Kale a clerk of Kurla Mill. I did not attend any strike meetings at Kurla.

On 9th August (P.1710M) other speakers were Shinde, one clerk from Kurla mill, and V. M. Bhuskute; the last-named is a Nationalist leader in Poona. The clerk is described in notes as one man; later I learned he was a clerk from Kurla mill. (Accused here spent 10 minutes looking through P. 1710). Bhuskute is a reporter of Kesri newspaper.

On 7th August (P. 1709M); other speakers were one strikers, Lalji Pendse.

On 6th August (P. 1708M) other speakers were Ramchandra striker, one Mohammedan striker, Parasram striker, another striker, Lalji Pendse, and Gadkari, and Parulekar. I dont know if Parulekar was a member of the Strike Committee and its Treasurer. I have notes of Parulekar's speech (Accused wishes to tender Parulekar's speech reported in the notes but not in the report which he says is relevant because as a responsible officer of the strike Committee he has made statements about the circumstances of the strike. Such circumstances cannot be proved in this way. Mr. Parulekar must come forward to give this evidence himself and submit to cross-examination. I am not prepared to put the cart before the horse that is the corroboration before the evidence intended to be corroborated.) I used to hear complaints in meetings about absence of medical treatment for workers. I never heard any demand that Government should make a law about compensation for sickness, like workmen's Compensation Act.

On 3rd August (P. 1707M) other speakers were Lalji Pendse, Gadkari Krishna striker;

On 31st July (P.1706M) other speakers were: Virchand Panachand, Lalji Pendse, 3 strikers; (Accused tenders the speech of Virchand Panachand contained in the English report maked P. 1706 in Lower Court as evidence of indebtedness, of organisation of coop, societies, peacefulness of strikers etc. orders reserved. I understand a little Gujerati. Virchand Panachand spoke in Gujerati. I took his

speech down in Marathi, according to its meaning. I dont remember now whether he spoke in broken Marathi or actual Gujarati. I dont remember whether I came across any speaker who spoke in broken Marathi. I dont remember hearing any Gujarati gentleman in these meetings speaking broken Marathi and thereby murdering the sense. I remember hearing strikers complaining about indebtedness to Pathan moneylenders and being harassed by them. I dont know Virchand Panachand.

On 29th July (P. 1705M) Joglekar accused also spoke besides translating Bradley's speech. Refreshing my memory from my report which was marked P.1705 in the Lower Court I remember that in this speech Joglekar accused said 'we are going to bazars to collect funds this evening. Some of our friends have gone to Poona for collecting funds.' At the end he said 'dont join the mills unless the terms offered by the millowners are approved of by our strike committee, otherwise you will be deceived.'

I remember from the speeches that the millowners were at that time opening some mills. They had published a new standardisation scheme.

On 26 July (P. 1704 M) one striker also spoke:

On 24th July (P 1703 M) other speakers were one striker, another striker, one volunteer, one striker, another striker, 3rd striker, 4th striker. (Accused seeks to ask a question about the strikers having said they had not been induced to go on strike by the leaders but had done it themselves. This is sought to be put as evidence of the fact stated and as such is not admissible in evidence. The persons who can prove that fact must be called to give evidence themselves and submit to cross-examination).

(Accused seeks to tender the speeches of himself opening the meeting and of 2 strikers and a volunteer to explain references in his own and Mirajkar's subsequent speeches which have been proved against them, to the Mayor's Fund. Orders reserved. Accused says they will explain the attitude of accused to the Mayor's Fund.)

On 22nd July (P 1702 M) other speakers were one volunteer, one Mohammedan, said to be Secretary of Docks Union. One striker; I think I had attended one meeting of Dockworkers held in sympathy with the strikers. I also attended one of Railway workers and another of Tramway workers held to sympathise with the millworkers. Speakers at these meetings advised the audience to help the strikers. A similar meeting was held in Girgaon for Girgaon people which I attended.

On 21st July (P 1701 M) the evening meeting was not a strikers meeting but the Girgaon meeting to which I have referred.

Mr. N. M. Joshi presided and spoke. Other speakers were Messrs. Asole Nurali; (Accused wishes to tender the speech of Mr. N. M. Joshi and President of the strike Committee as an authoritative statement as to the conditions of the workers, the circumstances of the strike, the way in which it was being conducted, the nature of the strike in its relation to other people in Bombay, the moderateness of the strikers demands. This is another case of the cart before the horse, and the speech cannot be admitted. He also tenders the speech of Mr. Asole M. L. C. member of the Strike Committee, as a statement of the Standardisation scheme. Orders reserved.) Mr. Nurali spoke in Urdu so I did not report him. I understood to some extent.

At the morning meeting (P 1700 M) on 21st July Joglekar accused also spoke. Refreshing my memory from my report marked P 1700 in Lower Court I can say that the substance of what he said is stated on pages 39 to top of 41 of that report. (Copy to be placed on record and marked D. 637.)

(Sd) R. L. Yorke

31-1-31

Note: as regards speech of Ramchandra (in P 1715) this is not admissible to prove the facts suggested. Ramchandra must come forward to give evidence himself. The same applies to speeches of Marathe and Ramchandra in P 1714. As regards speech of Lad (P 1713) the same is the case the mere fact that he said leaders must not cut out any demand without workers' consent would not prove that it was the workers and not the leaders who controlled the strike. I decline to admit any of these speeches.

(Sd.) R. L. Yorke

2-2-31

Continued on S. A.

In the same meeting Nimbkar also made a speech. Refreshing my memory from my report I can say that the report on pages 29 to last line but 3 on page 36 given the substance of what he said correctly. (Copy to be placed on record and marked D 638.) The corrections in black ink in my report formerly P1700 are not mine, but Deputy Commissioner's.

"On 19th July (P. 1699)" Accused looked at this report but asked no question.

On 5th July refreshing my memory from my report formerly P 1698 I can say that Mirajkar made a speech the substance of which is on page 1 to end of page 6. The corrections in black ink are not mine. (Copy to be placed on record and marked D. 639)

There was an incident in that meeting when Mirajkar interrupted. I don't remember that the strikers got excited on that occasion.

I did hear complaints in the meetings about harassment of the strikers by the police. I did not hear any complaints about police making false complaints. Because of resentment the workers were unwilling to allow the police to attend their meetings. Afterwards the Strike Committee advised the workers to allow the police reporters to be present. In their speeches on that day I remember that Dange and Joglekar accused and discussed the new rules which had been posted up on the mills. Some strikers also made speeches against the new rules and the standardisation scheme. 2 strikers also spoke at this meeting. I attended a meeting of strikers in afternoon on 5th July at the Maidan in front of Corporation Hall. It was in connection with demand of relief for the Strikers. I remember Dr. Chokse spoke. There were many speakers at the meeting, who were not workers or persons whom I usually saw in the strike meetings. I did not accompany the procession that evening.

On 25th June (P1697M) Nimbkar also spoke. I remember by reference to my report formerly P 1697 that Nimbkar said what is printed in last para of page 31 of printed English report.

On 14th June (P1696M) by reference to my report formerly P 1696 I can say that Alwe accused made a speech the substance of which is contained in page and first half of page 2 of the report. (Copy to be placed on record and marked D 640.)

On 21st July refreshing my memory from my report formerly P 1701 I recall that Nimbkar accused made a speech the substance of which is contained on pages 45 to 53 (Copy to be placed on record and marked D 641.) Pencil corrections are not mine. Many cuttings from newspapers regarding mill profits and losses used to be read in the meetings.

On 19th August (P 1718M) I recall by reference to report formerly P 1718 that Nimbkar spoke and said in substance what is reported on pages 10 to 18 and 32 to 40 of my English report. (Copy to be placed on record and marked D 642.) Pencil corrections are not mine nor are notes in black ink.

In that report I made a note about the speech of a woman picketer that she spoke in Malawani Konkani language which we could not understand but the gist of it was given in the report. I

made no note on the point in my shorthand notes. There are Marathi shorthand notes of the gist, but not verbatim notes. (During the cross-examination accused wasted from 2 to 5 minutes reading each report to which his question related.)

On 25th August I recall from my report formerly P. 1721 that Nimbkar accused made a speech the gist of which is on pages 19 to 35 of my report. (Copy to be placed on record and marked D.643.) I took some few words here and there of some speeches in longhand Mundi when the speaker spoke very slowly. Shorthand is quicker.

P. 1696 M. In my shorthand notes I put in quite a lot of Mundi and a few English words as Nimbkar was speaking slowly. I made no note of that fact in my notes, nor any other remark. My notes are still intelligible to me today. I prepared a manuscript copy of my transcription and a typist prepared typewritten copies which I signed after checking. I made such corrections as were necessary in the typed copies in red ink.

( Witness was asked to and read a long passage at beginning of P. 1696. Interpreter says there were 3 mistakes namely 3 words in transcription which witness failed to read in notes. ) In these 2 speeches there were no places where I could not follow. I found no difficulty in reporting them. (Witness then read another passage of one page in transcription with 4 mistakes. Interpreter explained mistakes and witness said outlines were the same. ) We dont regularly put in marks of punctuation in shorthand. (Witness read out another passage and in so doing read 2 portions which he had marked as undecipherable in his transcription. He then read another passage with one small mistake.) The translation '1st thing is to form our union and on its strength we must kick out' omits a good deal of the Marathi as it was only a summary report. We could not produce full translations as there was not time to do it. The items I omitted were matters of ordinary Union activity. There may be and I can find no actual words for 'on its strength' I put them in as my inference from the sense. Sentence '1st thing' to 'institutions' on page 26 English printed report of P. 1696 maked D 644. After the passage ending 'are mortgaged with the capitalists' there are no words for the passage ' and so.....friends of capitalists.' There is a blank space there in my notes. By Court. Where did you get these words from then so as to put them in your report ? Ans. I must have heard them in the meeting.

Sd. R. L. Yorke

22.31

Note: Speech of Mr. Asole on 21st July report of which forms part of old P. 1701 considered. In my opinion the speech is



not necessary to explain anything and is not admissible in evidence. Speech of Virchand Panachand on 31st July report of which forms part of old P. 1706 also read and considered. He gave some advice to strikers. That by itself does not seem to me to be admissible in evidence. This speech also cannot be admitted in evidence.

Sd. R. L. Yorke

3-2-31

As regards the speeches of Joglekar accused opening the meeting on 24th July and those of 2 strikes and a volunteer on same date which form part of old P. 1703: Joglekar accused's own speech can of course be admitted and marked D. 646: the speeches of the other 3 persons seem to me explain nothing at all which is not fully explained in 'Joglekar,' 'Mirajkar,' and 'Bradley' and subsequent speeches the same day. I decline to admit them.

Sd. R. L. Yorke

3.2.31.

Witness was asked to and read a long passage correctly from Mirajkar's speech P. 1696 M except that in one place he was unable to decipher a few words. (Note. Nimbkar accused on this occasion asked the Courts permission to be allowed owing to his recent operation to keep moving about in the verandah of the Court as he is unable to sit. In view of his having been recently operated on for piles I treat his case as falling u/s 540 A C.P.C. Mr. Shiva Prasad is in Court and also Mr. Sinha is looking after his interests.) Witness read 3 more passages with one mistake and one failure to decipher, and one case of deciphering something he had failed to decipher before. The phrase 'has not done anything for the labourers upto now' in English printed report is my inference from the general sense, and there are no actual words for it. There are no actual words in my notes or transcription for 'Do you call such to audience' but it happened in the meeting. (Mirajkar's speech page 27 of English printed version.) Similarly there is no Marathi for the last sentence of Mirajkar accused's speech English version page 27 at foot but I heard it in the meeting. By Court. I wrote my report the same evening as I attended the meeting. To accused. I might have failed to take notes because my pencil was broken. I cant say how many times my pencil broke in the meeting. I used to carry only 2 pencils. Sometimes I leave a gap in shorthand notes when my pencil breaks and sometimes not. I cant say even by looking at the notes whether there are gaps as the lines end at different places. There were no gaps for the portions about which I have deposed above. I am certain that I did not put in the sentence about Pt. Moti Lal Nehru and Tata Company by confusing what was said in some other meeting and putting it in here. Asked

whether he had completed his report and thought something was missing and put this in witness said he could not remember any thing about the matter now. It is impossible for me now to remember whether he made this remark about Pt. Moti Lal at that precise place in his speech or not. (Accused tenders the report of Mirajkar accused's speech part of old P. 1696 and it is marked D. 645. Tended to show that the remark about Pt. Moti Lal is completely out of place at the end of the speech.)

There is usually a pause of a minute or so or less when one speaker finishes speaking. The meeting was declared at an end after Mirajkar's speech but did actually go on longer as I noted in my report.

Witness read a passage in notes of P. 1697M without mistake. There is no gap in my notes of this passage. There are no Marathi words for the English words in my report. 'But the mill-owners should remember full well.' It is an inference of mine. There is nothing in the sentences which follow which leads to the inference. (Witness read a passage transcribed at top of page 30). The words in English 'they should not delay any longer' are my inference. There is no gap in my notes (Witness read another passage 3/4 of the way down page 30 without mistake). I have omitted most of this in my report which I submitted, as it was a summary report.

(Witness reads out passage which follows the words 'on the same passes' at foot of page 30 English printed record which accused wants as corroboration. It is not found in witness's report but is in the Marathi transcription. Accused says it is an important passage. Witness read with one word missed only). The passage relates to efforts of Strike Committee for relief of the strikers and efforts made to secure the 17 demands. (Another passage read accurately by witness. In this as in all cases the interpreter followed the reading and reported result to Court). I took this passage to relate to work of the leaders in regard to holding meetings on the 30th, 1st and 2nd. Another passage about news papers accurately read: there is no Marathi for the words in my report. 'Some newspapers publish false rumours about us and our strike'. For the last sentence of Mirajkar's speech in my English report there are no words for Commanding officer but I might have heard it in the meeting. In my report I omitted the question put to the audience.

Jhabwala accused speaks absurd Marathi, entirely incorrect grammatically. He sometimes imports Gujerati words. In the sentence quoted the language is confused but the meaning is clear. 'Warghoda' means cause or struggle. In one sense it is the procession of the bride-groom. The sentence is a queer sentence.

Gujeratis speak like this. The words which I transcribed in my report as 'the strike will never come to end' mean literally 'the strike will not break.' I understood them in the sense I gave. The word for 'never' literally means 'not' (nahin). There are no Marathi words for the sentence 'one is passive and the other is non-passive' on page 33 of English printed report. I used nonpassive for 'ahimsatmak' but it really means passive. In the phrase Mill-owners have won over Government the words for won over mean literally 'killed'. Gujeratis used 'mara' in a figurative sense.

P. 1700 M. There are no blank spaces in my shorthand notes. There are a few Mundi words in these notes, and an odd English word. I wrote some Mundi writing between the lines when I was transcribing to make my English report. The words in Mundi between the lines were not written at the time of taking the notes. They are transcriptions of symbols just above them. I find no remarks in my notes anywhere.

Sd/- R. L. Yorke.

3. 2. 31.

Continued on S. A. Witness read a Passage from notes of P. 1700M corresponding to foot of page 37 in printed English version, with one mistake. He then read another passage quite correctly. There is no Marathi for the phrase 'in this way they have accumulated wealth.' In the course of his speeches Mirajkar accused used to tell funny stories to the meeting. Sometimes I took them down and sometimes I omitted them, and merely mentioned them in my notes. In 4th and 6th line from bottom of page 39 English report printed I translated sangha strike instead of Union, and the same in line 2 on page 40. There is no Marathi for the sentence. 'But remember that the value etc.' I might have heard it in the meeting.

P. 1701. In this as in nearly every speech I have put in my notes Mundi words here and there. Such words were put in when the speaker was speaking slowly. This meeting was from 6.20 to 8.5 p.m. I have not noted in my notes or report the time taken by each speaker. Jhabwala's speech did not last as long as Joshi's; nor did Nimbkar's or Asole's. To the best of my ability I took equally full notes of each speaker. It is not correct that I took a fuller report of Joshi than I did of the rest. At a stretch I can take down notes in shorthand for about 2 hours. When I am fresh my speed is greater than later on, after 3n hour. One feels the strain after half hour. As well as being shorter in time the speeches of Asole, Nimbkar etc contained less matter than Joshi's did. There are no actual Marathi words for 'in close touch with' in middle of page 41 English printed version but that is the sense. (Accused

studied the report of Dange's speech in notes but put no question on it).

P. 1702 M. The whole meeting was from 7.35 to 8.45 a.m. I cant say for how long Mirajkar accused spoke. I dont find any remark anywhere in my notes, nor any gaps or spaces left anywhere. (Witness read a passage except one word which he found indecipherable). There is no word meaning 'revolutionary party' in last line on page 44 but there is a word meaning 'revolutionists'. Similarly there are no words for 'about our movement'. There are no words for 'They ought to have seen our strength' and it was perhaps my inference. Accused tenders the passage from 'their citadel' to 'mill operatives' on page 45 English version of P. 1702 as example of distortion by the witness. Marked D. 647. Witness read a sentence in which one word was indecipherable. One of the demands I heard in the meetings was that the Millowners should give their account books for examination to the leaders and afterwards to a Committee which would be appointed by Government. It was said that if the leaders were convinced about the losses they would negotiate for settlement.

Sd/- R. L. Yorke.

4. 2. 31.

Continued on S. A. There is no remark in my notes for P. 1703 M 2 about Mirajkar's speech and no gaps in it. There are no Marathi words for 'they call us poor' at foot of page 52, the first time it occurs. I was not tired when I took down Mirajkar's speech after Joglekar accused's. Defective sentences may be due to the speaker leaving an idea unfinished. I cant remember if this speech was defective in that way. I dont remember now any particular speech which was so defective. There is no particular speech of any accused that I can now remember was so defective. I dont make any remark in my report if I come across any speech defective in that way. There is no Marathi words for 'you come to our door for begging and take away alms.' I might have heard it in the meeting. There is no remark against the notes of sentence 'I want to tell the mayor etc.' see page 53. There is nothing in Marathi for the words. They should not play joke with us etc. see page 53 English printed version. There is no remark in my notes about it. There is no Marathi for the sentence. I therefore ask them to stop cheating etc' (see page 53 again).

(Note. Throughout this cross-examination the references are given in the English printed version to avoid copying out whole sentences. After this I left out in my report. Some passage as it was a report. At top of page 55 after 'continue our strike' I have omitted words meaning 'until we get the 17 demands etc' I was not

making a translation but a report. I have no note that the sentence in report 'we have approached etc' is incomplete.

I did not take any notes of Bradley's speech in English long-hand.

P 1703 M1. No remarks nor gaps in my notes of this speech. Witness was asked to transcribe a particular sentence but stopped in some doubt as to whether a word should be transcribed lokana or Lokani. Accused objected to his looking at his transcription and witness at first said he could not transcribe it after so long a time but then transcribed it as lokani. He also said the transcription depends on the context because the signs are the same. I put in no mark of a break in my notes when I fail to follow. I don't leave a gap when I miss something. Witness was asked to read a passage at foot of page 50 English and did so correctly. I don't think I failed to follow anywhere in the passage I have just read. In the sentence about 'curtailment in the assessment' there is a break which I have marked in my notes. The break is marked in my transcription also. In the passage about Vallabhai and following sentences there may be some words missing. The sentence 'do you know what sort etc' on page 50 has no Marathi words for it. I might have heard it in the meeting. In the passage 'they had no many leaders etc' the Marathi words in my notes and transcription don't convey that meaning but that was how I understood him and therefore reported. So far as my report goes it is correct but it is incomplete because the speaker went too fast. This is the same passage about which I said earlier that I did not think I failed to follow it. I have translated the same words twice 'how should he remain quiet.' 'Why should he not be desperate.' During this period we were very hardworked and had no rest at all. I was in fact overworked and fell ill as a result. Witness read passage corresponding to 'Mr. Patel' to 'owners' on page 51 which is considerably longer in Marathi with 2 mistakes. I can't remember and cannot say from reading this passage whether I failed the speaker completely.

P 1705 There is no remark in my notes except that Bradley spoke in English and Joglekar translated it into Marathi. I don't think Joglekar spoke as fast in translating as he does ordinarily. I think that because I followed him. I took no English longhand notes of Bradley's speech. I don't think Joglekar accused put any thing of his own into Bradley's speech. Witness read a passage with 2 mistakes or rather one word he could not decipher and one mistake. Further on he failed to read an English word in his notes and made 2 mistakes. Of one of these mistakes he says the outlines are the same and the meaning is to be got from context. The same for the other as no vowel positions are put in in rapid reporting. There is a portion in the Marathi notes referring to the story of Damaji.

It was not in Bradley's speech and therefore I omitted it in my English report. It sometimes did happen as in this case that Bradley accused's translator told a story of his own, or put something fresh of his own into the speech. Witness read another passage with one mistake and said: it is impossible to read shorthand notes offhand without mistakes. One word was also found to be omitted in the transcription. Reading over this passage I see something wrong in it but the meaning can be inferred. It may be the mistake of the speaker or that I failed to keep up.

P 1706 M1. I have not made any remarks about Alwe's dialect in any of my notes of his speeches. He used some technical terms in use in mills but I took them down. I dont think I found difficulty in writing the sense of his speeches in English. I cant remember now if he spoke much in such terms. No discussions of technical substances (accused's words) or matters took place in my presence. I did not hear the words Jabu and Paliwala's or Phaltu. I dont remember hearing the phrase 'number takaniyawarun' Jhagra jhala in any speech. There was talk of numbers that is badges and they said that like prisoners the workers would have to wear badges. The Home Member's Conference was held in my time. I dont remember the delegates being announced but I know it was done at some meeting.

(Sd). R. L. Yorke

5. 2. 31.

Contd. on S.A. Alwe speaks at about 100 words to minute or nearly. (Witness read a passage in P 1706 M1 with 2 small failures to decipher and reading showed 2 words omitted in Marathi transcription.) There are no marks of omission in the transcription. I do not feel that there is anything broken in this passage. Witness read another passage from 'the foreign Government' 'to which is over us' in new translation of P 1705 M1, slightly differently in 2 places. On this point witness said: my general explanation of such mistakes is that no expert could read these notes correctly on the spur of the moment. The outlines are same and have to be read by the context. I dont feel there is anything wrong about these notes. In the passage about weaving masters etc there are no marks of omission in my notes. I dont think the phrase muladdam-ancha gushte soda is a technical one. 'Gushte soda' means Dont pay attention which I understood to mean Dont trust. I dont know whether the term 'mukaddam' is used in the mills for jobbers.

P 1706 M2. Except in the case of Joglekar accused I never made any remark in my notes about the speed of the speaker. I found no difficulty about following Nimbkar accused's speech. I was generally able to follow him except that in the middle of a

speech he sometimes spoke a sentence or 2 fast. Witness read a longish passage with one omission and one mistake which he afterwards corrected. Some of the sentences just read are broken but that is common in such speeches made in a meeting. I omitted a good deal of this speech in my English report because it was not required and not because I could not understand it. Early reports were required. (Witness read more passage about middle of page 65. Some 5 words here were marked indecipherable in transcription.) There are no gaps in the notes here and fewer Mundi words than usual. Where I had to leave a gap for indecipherable words in my transcription I put a cross or 2. The number of crosses does not indicate the number of indecipherable words. I dont remember Nimbkar accused making any announcement about collections of money for strike fund at this meeting. I took the whole of his speech. I dont remember that he spoke about the matter of his case at any length. He only spoke shortly about his case. I dont know if it was in the beginning or end. I think it was the only speech I heard him make about his personal matters. I cant remember exactly whether he made reference to inspector Long in this speech.

(Sd) R. L. Yorke

6-2-31

Continued on S.A. P 1707 M. There are no remarks or gaps in my notes of this speech. I dont remember if any technical terms in use in the mills were used in this speech except spinning dept. weaving deptt, jobbers. I dont remember that they were used in this speech but such were used in the meetings. In the early part of this speech there are broken sentences. Alwe accused speaks broken Marathi. The meaning can be inferred. I added some words in order to bring out meaning as for example 'some people say that' in the 3rd sentence, 6th of new translation, or 'I tell you that.' The words 'and other foreign countries' may have been added owing to haste. So far as I know in my notes of the portion of the speech beginning 'if we all unite...' (new translation) I did not omit anything of what was said. In my report I made a mistake near the foot of page 68 by saying 'request them not to join the mills'; it should have been 'request them to go to their right of the villages' The Marathi language used in the passage about the children is broken and incorrect language. Alwe accused always used broken Marathi, he did not speak in polished language but disconnectedly. In my reports I may have omitted some portions so as to make the meaning clear. I dont think I misunderstood what he said.

P 1708M. 6th August. There are no remarks or gaps in my notes of Mirajkar accused's speech, nor any blank

page. I dont remember any mention by Mirajkar accused of the war of the Mahabharata in his speech. Whatever he said is in my transcription. I did not omit any such reference as unimportant. This was the day on which the Millowners began to open the mills. They were going to do so for 14 days. The 14 days were spoken of as a war throughout that period. I dont remember if speakers ever compared the millowners to Kouravas. I dont remember if the workers sang songs at the meetings during and before this war period. When songs or ballads were recited I mentioned them in my reports. I did not usually leave out mythological and historical references in my notes or if I did I made a note about them. I was not present on the morning of 6th August at any of the mills which were to be opened. My duties were only reporting. I never heard the phrase 'Chap lotne' used.

P 1709 M. 7th August. There are no remarks or gaps in my notes of this speech. There are some Mundi words in my notes, also some written between the lines at time of transcription for my English report. I dont remember the English term 'lockout' being used in speeches. I remember some translation of lockout being used. Whenever notices posted by the millowners were read in the meetings I made a note in my reports. I dont remember any lockout notice being read in the meetings but it was criticised. I dont remember if I ever saw any worker at a meeting handing a copy of notice to any of the speakers. In the passage following the words 'millowners were thinking' on page 74 I made no omissions. The language appears to me perfectly good. I took down what he spoke. On page 76 there is nothing exactly for the sentence on page 76 'if you do this etc.' But there is a number of Marathi sentences, somewhat broken, from which it can be inferred. The actual sentence may be different. I did not produce this sentence because the language was broken but because I took it in that sense. On page 76 of my former report the sentence 'the labourers are ready etc' stands for a long passage which comes between 'killing this industry' and 'I tell publicly.'

P 1710 M. 9th August. There are no remarks or gaps in my notes of Nimbkar accused's speech. I was able to follow him in this speech but in some places I could not decipher the outlines. The sentences 'those who have not got etc' and the next after it are not exact translations of the Marathi. After 'excuse me for it' I have omitted some of the speech in my report, a part relating to system of distributing dole. Between 'sufficient dole' and 'I am on picketing duty at K mill' there are five words which are indecipherable. Some sentences were omitted in my report. There is no Mundi between the lines in this portion of the notes. The sentence 'there are also strikes in other places etc', should be literally 'I have to speak of something else which is not connected with our strike



but has got connection with the labour movement.' There are a lot of instructions on behaviour at the end of the speech which I may not have included in my report. I remember that some men who said they came from Sholapur complained in some meetings that they had been brought to Bombay after being told they would find work there, and said they would not work in the places of those who were on strike.

P 1710 M2. I cant remember whether the phrase in Bradley's speech which Jhabwala translated as 'tufoni manusho' was 'active worker.' The sentence I have translated 'the labourers there etc' really mean 'and the workers there should be properly trained.' In the mouth of Gujerati speaker the phrase translated 'I resolved' or 'we decided' often means merely 'I think that such and such should be done.' In my report for 'these workers should have been stopped the work long ago' I wrote 'these workers should have stopped the work long ago.' In my report I omitted a number of sentences in connection with the Arbitration board, probably because I had not time for verbatim translation. In the sentence 'we shall place forth our law through our union (new translation) the word for place forth is 'mandu'. I have written it in Mundi and it was not 'bhandu' I dont think Jhabwala put in anything of his own in this speech.

P 1711 M. 10th August. There are no remarks or gaps in my notes, but some Mudi words in the notes and also between the lines as usual. I was present throughout this meeting which began at 5.10 p. m. I did not note any incident because none occurred. There was no president at the strike meetings. I cant remember whether I saw Joglekar accused at that meeting. I dont remember Mr. Sawant making a speech at this meeting.

Sd/—R. L. Yorke

9-2-31

Continued on S.A. P 1713 M. 14th August. There are no remarks or gaps in my shorthand notes. There are some Mudi words both in the body and between the lines. So far as I can see I did not find it difficult to take this speech. There is nothing to suggest to me that they are incorrect in the passage about Laxman and about the jute company on page 8 (English printed version). I dont know anything about this jute company. In my transcription just there I have written Jobber lokana for Jobberna. The outlines for the sentence it is my request to 'jobbers' cant mean anything except what I have given in my transcription. In the sentence ending 'jobbers temporarily in my report page 8 the words, men who used to be taken by 'are a mistake, Volunteers of red

belts means strike committee's volunteers. In this and the following passages it is possible I might have omitted a word here and there but that is all. I find nothing to suggest my notes are faulty. The speaker may have left the matter unfinished. The passage about the engineers is in confused language but sense can be made out. Grammatically the sentences are all right. The passage about construction work in New Byculla mill does not seem to me confused. My translation is not literal translation. The sentence beginning Girnias malik log and ending with jaud denar nahin does not seem to me confused. I remember complaint of subscriptions exacted from workmen by jobbers for hospitals, and that workers were not properly looked after at a hospital erected with their money the King Edward Hospital at Parel. In my report I did not include all the things which Nimbkar accused said would be done with Union funds for workers' welfare. At the end of my report I put in the names of Mirajkar, Alwe and Pendse and the speaker as standing for different wards. They are not in my transcription as in the hurry I was unable to get them down. The names of the 6 representatives of the strike committee who were to meet the owners at the Secretariat were not announced by Nimbkar at this meeting. No vote was taken or else I should have noted it in my notes and report.

P 1714 M. August 15. 1928. There are no remarks or gaps in this speech. There are odd Mudi words in the body of the speech. I did not find any difficulty in following Mirajkar accused. He made a long speech, but slowly. He always spoke slowly in these meetings. He spoke after several workers. After the mention of the Time of India I left out several sentences in my report as not necessary. The sentence 'But after the strike etc.' in my report is worded as quotation. The words 'Upon which they erected Mills' do not belong where I put them in the report page 12. I don't think I took wrong note in the passage about 'stopping the movement' in top line of page 13. Witness read a long passage beginning at 'you know' on page 13. The passage as it stands is unconnected in some places. In the Marathi the first sentence of the paragraph ends with 'every time the owners' an incomplete sentence in Marathi. I inferred the sense from what followed. In the passage that follows I don't find very few unconnected with what follows; as it stands it is incorrect Marathi. There is no word for class in line 8 of the paragraph. So far as I know my notes are not incorrect here. I did not put in the words about tinpots in my report because it was unnecessary. The sentence about the poet is not in my notes. 'We' in we have come to know should be 'they'. In top sentence on page 14 I have omitted 2 words sampate ahen in translation. I don't find anything missing in that sentence. I did not take the words by their father or even by their forefathers to mean God. I often heard complaints

that the superior staff of mills was overpaid, and about the employment of Europeans in jobs for which Indians were available. I took the phrase injuring them by etc. to mean depriving of means of subsistence. The usual phrase is putting foot on stomach and not on chest, but I took it that way. In my report (top of page 15) I have mentioned curtailment of pay and men and new rules but I have left out complaints about jobbers and 1925 wages. The phrase I translated Govt. servants means literally Government people. The sentence about the owners coming to attend the Government meeting is incomplete.

P 1715M. 16th August. There was also a morning meeting that day at Damodar Thackersay Hall. Nimbkar accused was present, and Bradley and Kastle and 2 strikers, and these spoke. Nimbkar told to workers what had happened in the meeting in the Secretariat. I never attended or made a report on Joint Strike Committee meetings. I never asked Nimbkar accused or Syed Munawwar that day to give me the decisions of the strike committee. There are remarks in my notes of Joglekar accused's speech at the end that I could not follow Joglekar as he spoke very fast. There are Mudi words in the body of these notes too, here, and there, fewer than in Mirajkar's and Nimbkar's speeches. There are no whole lines of Mudi writing in my notes. Accused pointed out a series of pages on which he said there were lines of Mudi writing.

Sd/—R.L. Yorke

10-2-31

Continued on S.A. In some cases there are half lines in Mudi and in some cases more than half lines. That occurs in a number of places and pages. I tried to take as much as I could get. I took down in Mundi because when the speaker is fast the outline cannot afterwards be deciphered. It is not correct to say that in all my notes I took down words in Mundi so that they could be correctly deciphered and outlines should not be blurred. It is always easier to read things in Mundi than things written in shorthand. I did not take down in my notes only such things as were required by my official superiors. In the sentence next after 'this was their dodge' the notes are incomplete and also some words were indiscipherable. From my transcription I cant say that Joglekar accused made any mention of jugglery with accounting or manipulation of sorts in connection with the secret robbing of the workers by the owners. Nor from memory can I say that he mentioned them. He might have as he speaks very fast. I dont know meaning of chakkar nor did I ever hear the work 'pik' nor understood it. Between the sentence ending 'present strike' and the next following sentence there is a change of subject. I cant say

whether it is due to my missing out something he said. In the Marathi sentence before, 'they thought that Government' there may be words left out owing to the speaker's speed; the sentence does not read continuously. Between 'terrified' and 'they did not want' I have omitted some portion in the report. It was unintelligible because the notes were incomplete. The two sentences 'our men etc' and 'they refused etc.' are not in my transcription P.1715M but I made some meaning of the notes when I was preparing my report. Before between these and the next sentence there are broken sentences which I did not put in my report giving some account of why the Conference broke down. In one place below this there 10 words which I cannot decipher. There appear to be outlines in the notes for the sentence 'they would now try etc.' but I failed to decipher these in preparing my transcription P 1715M. There are no words for 'with the Capitalists' after 'fight' but I inferred it. I also omitted some portion in my English report here, with regard to collection of subscriptions. In my transcription following the mention of 'Scindia' there are breaks which may be due to my not following completely. Sentences are broken, I dont think my notes of the passage about Russia are incomplete but two words are indecipherable. Some portion of it I omitted in my English report. Comparing the notes with transcription I find here a real omission or break in the notes. I also omitted in report some words after 'rule of labourers.' In the next sentence after it which is not in report 10 words are in decipherable.

P. 1718M, 19th August. I do not find any remarks or gaps in my notes of Mirajkar's speech. I was able to follow Mirajkar accused's speech. There are Mundi writings as usual. I remember talk in one meeting of fresh negotiations through private persons after the Secretariat Conference broke down. I cant remember it Dr. Desmukh's name was mentioned in the connection.

P 1719M. 23rd August. P 1720 M. page 41. The sentence Through we carried etc appears to be disconnected. When preparing P 1720 M I could not decipher this sentence but now I can. There are actual words for the sentence in Marathi.

P 1721M. 25th August. Nimbkar translated Bradley accused's speech and in the middle put in a piece of his own which I marked in the notes, and did not include in my English report nor in my transcription. It does not find a place in the English report at all. I dont find any other remark except that in one place Nimbkar spoke his own speech. This is the only case where I have made a remark in my notes that the translator spoke in his own. I cant remember whethre I ever came across any portion

of Bradley's speech which was not correctly translated. I have no English notes of this speech of his.

By Nimbkar accused. I have reported meetings in Poona, Belgaum, Satara, Sholapur and other places. The fastest Marathi speaker whom I have tried to report was J. S. Karandikar of Poona. I could follow Lokmania Tilak. He used to speak slowly. My speed is 100 words and a person who has that speed is called an expert. It is impossible for any Marathi shorthand reporter to take down 200 words a minute. I don't know what the highest possible speed is for English shorthand. I know of Mr Raje an English reporter in the Bombay Legislative Council. I think he does not take Marathi reports. I reported meetings in Poona in 1923 and 1924, wherever they were held. The Congress meetings were held in Reay Market and the Swaraj party ones in Shivaji Mandi. I attended some meetings at which Mr. Mohammed Ali spoke. I was present at some meetings at which Jamna Lal Bazaz, Jawahar Lal Nehru and Rajgopalacharya spoke. I took down some speeches of Nimbkar accused then. He was then Secretary of the Maharashtra Provincial Congress Committee. He was a fast speaker at that time; I can't say exactly what his speed was. I never tested it. S. M. Paranjpay was a fast speaker sometimes. Sometimes I found difficulty in following him. I know V. G. Joshi of Amraoti. He is a fast speaker. I find it difficult to take him verbatim and follow him as best as I can. I can take Kardikar, and Kelkar except occasionally. I can follow any of the accused except Joglekar. I can't give the speed of every accused. I was in Bombay from 10th June to 3rd September 1928. In the strike meeting there was on rare occasions only one speaker. On the other occasions there were as many as 6 speakers or even more. Mirajkar accused spoke practically daily. That was not the case with any other accused. I used to submit my reports through Rao Sahib Patwardhan. Mr. Hasan Ali was in charge for a few days when I first arrived. I was not the person who selected the reports for this court. After I submitted my reports to the Deputy Commissioner I did not see them again until I saw them in the Lower Court. I was not called before the Bombay Riots Inquiry Committee. I remember that a copy of Times of India was once or twice burnt in the strike meetings. The cause stated was that the paper was publishing false news regarding the strike activities; one copy of Indian National Herald was also burnt on same ground. I did not see reporters of newspapers always at the strike meetings. The Bombay dailies used to feature the strike news in those days. I don't remember hearing any complaint that those newspapers did not send reporters to the meetings but got information from the police headquarters. No newspaper reporter ever came to us and saw my reports before I sent them in. In the strike meetings the speakers used to explain the developments in regard to the strike. They often discussed the news appearing

in the morning papers. Nimbkar accused was arrested after I came to Bombay. There was lathi charge after that. I know because I read of it. I think I did not attend a meeting at Damodar Thackersey Hall the same afternoon. I remember hearing complaints of teaching of strikers by one Inspector Long. I heard them before and after the lathi charge. I remember a meeting at Lalbagh after the failure of negotiations at the Secretariat. At that meeting the workers present were asked and answered no to the question whether the strike committee should accept the owners proposal of calling off the strike before any settlement takes place. It was a big meeting. I heard in another meeting next day that the strike committee had carried out the instructions, and that the negotiations had failed. It was the 1st Conference at the Secretariat. I remember a mention in the meeting of negotiations with Dr. Desmukh President of the Bombay Corporation but I cant remember the date. Whenever Nimbkar accused attended the strike meetings he used to give a report of the activities of the Strike Committee since his last report. The speaker himself used to take the opinion of the meeting whether they agreed with the measures to be taken by the Strike Committee. There was no English reporter at the Marwari Vidyalaya Hall meeting on 21st July. I tried to take as much as I could. The Strike Committee was distributing relief to the workers all the time I was in Bombay.

Sd/- R. L. Yorke.

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Continued on S.A. I never heard any complaint in the meetings that the Commissioner of Police had threatened that if a Government reporter was not allowed in the meetings he would see that the meetings were stopped. I remember that in a meeting at Ghorupdeo a statement in the Evening News that strike leaders were speculating on the Stock Exchange in mill shares was challanged. I remember that I attended the meeting on morning of 20th June 1928 report of which has been shown to me in D 124 (9). I think I submitted a report of this meeting. I have read through the report in D 124 (9) and can say that is a substantially correct report what was said by the speakers. I cannot remember whether I attended the meeting on evening of 20th June of which a report is found in D 124 (12).

(Nimbkar accused then read out to the witness a passage from P 1696 M1 which the witness attempted to take down. At the end witness said accused spoke very fast and he was not able to follow him. Witness was however directed to transcribe what he had got down and did so. The total time was 2 minutes 15 seconds less, 15 seconds at beginning when witness interrupted commenting on speed: net time 2 minutes exactly. The number of words read was 325,

giving an average speed of 152 words to the minute. Passage read is on pages 6 to 11 of P 1696 M1 and the lines are numbered 1 to 106 in blue pencil. Transcription compared with notes and corrected by interpreter reading it over while witness followed in notes). D 649 is the transcription which I have just made from my notes D 649 (1). There are no words in Mudi in those notes.

By Dange accused. In the report which I made and which was proved in the Lower Court as P 1722 there are many corrections in pencil and in some cases whole pages have a pencil line put through them. This was done by Deputy Commissioner of Police. That was the case in all the reports shown to me there except P 1710. My help was not taken by him when making corrections or cancellation. In P 1701 M 3 I took only what I thought important in the speaker's speech as it is impossible to take verbatim in English longhand. My report is not a full report. I can't remember for how long Dange accused spoke on that occasion. I have never tested my speed in reporting English in longhand. Some speakers in meetings did explain the standardisation scheme. As far as I could I took those speeches down in full. I did not hear technical language used in such explanations. I am conversant with ordinary technical terms, such as spinning, weaving etc.

By Mr. Sinha for Thengdi and Banerjee. I was preparing my reports for the Deputy Commissioner of Police only. I took verbatim reports in shorthand but I submitted gist reports in longhand because it was not possible to submit full translation that is full reports because there was not time. We were also ordered to submit rather detailed reports but not verbatim. The reason for taking verbatim reports was that if they find anything objectionable in the gist reports they can demand from us verbatim transcriptions. In some cases verbatim transcriptions were demanded from us. It happened only once. I can't say why I was asked for it in that case. My orders were to submit my daily reports of meetings in English. I took down Bradley's speeches in Marathi because I could not take them down verbatim in English and they were being translated into Marathi. Dange's speech was not to be translated and was not translated. So I took it in English. In my reports in each case when Bradley spoke I wrote that Bradley spoke in English and so and so translated it into Marathi. I did not write in my report whether it was report of the original English speech or of the translation. Volunteers: The Dy. Commissioner already knew that we were Marathi shorthand reporters and not English. There was no English reporter with us at any of the meetings. We used to sit at the feet of the leaders in the meetings, on the ground. In the Lower Court I described my English reports as transcriptions. I also said that I directly transcribed from the Marathi shorthand into English. After I had finished my work on strike speeches at Bombay I went

back to Poona. I heard Thengdi accused speak at several meetings there. I reported him whenever he spoke at a meeting at which I was present. I never attended any meeting of the Theosophical Society in Poona. Any reports of Thengdi accused's speeches taken by me must be in C.I. D. Poona Office. I think I reported a speech of Thengdi accused in 1929 in the Kirkee Ammunition Factory strike. I never reported any speech of his in the last 3 months of 1928. There are 5 other reporters in Poona who do the same kind of work which I do. Thengdi used to attend and speak at Sarwagenik Sabha meetings. I did not report any of his speeches there in 1928. In all the strike meetings which I attended for reporting I submitted reports.

Refreshing my memory from my reports I can say that at the meetings on 5th July, 21st July, 21st July evening, 26th July and 9th August Alwe spoke and said what was reported by me in the reports D 650 to D 654.

REXXN. The accused also as well as other speakers asked the strikers to hold on. I have never reported any speech made by any person called Kasle except the accused. I used to begin writing the English gist reports the same night and finish them next day when I could not finish them that night. I have not been doing reporting work for the last six months nor have I kept up practice during that time. It does not make difference when one is out of practice. I used to take much more, that is I could follow the lecturer easily, when I was in practice. Dange's speech was not translated because it was not a speech for a millhand but for Girgaon people. In regard to that speech P 1701 whatever I have put down was said, though it is true that I missed a good deal.

(Note. Report of Interpreter regarding transcription prepared by witness is agreed by the accused Nimbkar to be correct and is placed on record and marked D 649 (2). Volunteers: When I am in practice my speed is 100 words a minute. The passage was read out at 160 words a minute which is faster than I have heard him speak. *At the suggestion of defence*: I don't remember any speaker at strike meetings whose speed was higher than 100 words per minute.

Read over and Admitted Correct.

Sd- R. L. Yorke

12/2/31



# P. W. 48

Recalled: Shamsuddin Ahmad. On S.A. In English

I was present at a search which took place at 2/1 European Asylum Lane on 20th March 1929. The documents shown to me P 2510 was found in room no: 1 on that occasion. It bears my initials and those Habiburrahman another search witness and also of Muzaffar Ahmed.

By Ghosh accused. I say this was from room no. 1, because of M. A.'s signature. Otherwise I dont remember its being found there. Most of the documents found in room no. 1 were initialled by Muzaffar Ahmed accused. Almost all were signed by the police officer conducting the search. This document does not bear that officer's signature. When I deposed in this court before I was living in Calcutta. I have come now from Kharagpur where I am stopping temporarily.

By other accused. NIL.

REXXN. NIL.

Read over and admitted correct.

Sd/- R. L. Yorke

26/1/31

Note : Ghosh accused objects that this piece of evidence has been brought in at a very late stage although the prosecution must have had access to it all along from March 20, 1929. No doubt the prosecution had such access and did take time and adjournments to examine the papers but in view of the bulk of the search material the possibility of missing a particular document is obviously large and I think that though as of right the prosecution is not entitled to put in evidence at a late stage, still if the evidence tendered is obviously revelant the court should not refuse to admit it. I rule accordingly.

Sd/- R. L. Yorke

26/1/31

## P. W. 97

S. I. A. K. Sen. recalled (Mr Sinha objects to his recall. Court heard arguments from Mr. Sinha, Ghosh and Dange accused and Crown Counsel. This witness is sought to be recalled u/s 540 Criminal Procedure Code on the ground that in his former examination he made a mistake which has come to light through subsequent cross-examination. The matter is in my opinion certainly one which with a view to the just decision of the case ought to be cleared up. I shall probably deal with the matter in a fuller order at some future date but for the present it appears to be sufficient to leave the matter there. The question whether there was a genuine mistake is of course one which can only be satisfactorily decided after the witness is cross-examined.

In my former deposition in this Court I was asked about P 2002 C and stated that the original letter was intercepted on 19.8.28 and the exhibit was a copy typed in my presence on 21st August. That statement was a mistake, I mean to say that Exhibit P 2002 C was not in fact typed in my presence. I have brought with me my office file from the office of the Deputy Commissioner Special Branch and produce it in Court. In that file is the copy which was actually typed in my presence. 3 or 4 copies of the original were typed simultaneously and this one in the file marked P 2002 C1 is one of those original carbon copies. The other copies go to different offices one to D.I.B., one to I.B. Bengal and one to Chief Secretary to the Government of Bengal. I took Exhibit P 2002 C to be one of those 4 original typed or carbon copies of the latter. The copy Exhibit P 2002 C1 is correct is not containing Spratt in brackets after Dear Phillip as the copy Exhibit P 2002 C does.

XXN. By Mr. Sinha for Thengdi and Banerjee. I cannot say what the mark or writing is below the typist's initial H in bottom left corner of P 2002 C1. Exhibit P 2002 C was not torn like this when I saw it before in this court but there were some typed initials and figures in the lefthand bottom corner then. Asked if he could give reasons why he took this to be his office copy, said: I took it to be one of my office copies but now I see the type is different. I thought it to be the copy sent by my office so I took it to be so. Question. Can you point anything in P 2002 C which I led you to the impression that this was one of the original copies typed in your office? Answer. There were some initials in the corner which led me to that impression. I dont now remember what they were. I dont remember with what person in my office connected those initials, or what that initial recalled to my mind. I cant remember the exact or the approximate date on which I discovered the mistake. I was told in office that I had been mistaken in giving

evidence in regard to this letter and then I looked into the files and discovered my mistake. I was told in office that I had made a mistake in giving evidence and that I would have to give evidence again. It was probably some clerk or the Deputy Commissioner who told me, I dont remember. I did not take any copy of the evidence which I had given in this Court when I left here last time. I did not see in Calcutta any copy of my statement (made in this court last time) at any time, either before or after I found out my mistake.

By Dange accused. I know English and can understand it a very little. My present duties are confidential, and so is the place of them. I dont remember where I was working in February 1929, or whether I was appointed to follow any of the accused. I was not then slapped by any person for following him.

By Ghosh accused. I do not keep the files of the intercepted documents with myself. These files are all in the custody of the Deputy Commissioner. This file was sent to me in sealed cover through a clerk who told me to take the file to Meerut Court as I had made a mistake. I did not know what the mistake was at the time but I was so far informed that it was mistake regarding certain letters. That was before I left the Calcutta for Meerut this time. It might be that the first time I was told there was a mistake was immediately before I left for Meerut. On one day I was told that I had made a mistake and the next day I was given that file and told to bring it up here. I saw the file on the proceeding day before I brought it here. I was shown. I saw it in the Deputy Commissioner's room while he was out for lunch.

By Crown Counsel. The envelope P 2002 PE was attached to the copy Exhibit P 2002 C at the time when it was shown to me in this court.

By Court. I did not really understand what the mistake was until I saw the 2 documents together, though I had been told.

Read over and admitted correct.

Sd/- R. L. Yorke

28/1/31

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**P.W. 279**

Mr. E. L. Bridgnell on S. A. In English. New witness.

(Subject to objection to recall of P.W. 97 noted against that witness's evidence, which I overrule as I consider this evidence necessary to make the situation in regard to P 2002 C clear.)

I am as assistant in the office of the Director Intelligence Bureau Home Department Government of India. The file which I have here with me was dealt with by me in 1928. I received the letter marked Exhibit P 2002 C 2 from the Deputy Commissioner Special Branch Calcutta, by post, under a covering letter dated 22nd August 1928. The name Spratt in red ink in bracket after Dear Phillip was added in our office for indexing purposes. 3 names in the body of the letter and the name of the cover addressee were also underlined in our office. So far as I know the Special staff for this case started work in New Delhi and took inspection of the files there. To the best of my knowledge P 2002 C2 has remained in the file from the time of its receipt by me till now.

XXN. Postponed to to-morrow at request of defence.

Sd/- R. L. Yorke

28/1/31

Mr. Sinha puts forward a new objection today that under Section 540 Criminal Procedure Code (Crown Counsel agrees that asks for this witness to be examined under section 540 as his evidence hangs together with that of P. W. 97 on recall) the Court should not take evidence in corroboration of P. W. 97's New statement taken under section 540 Criminal Procedure Code. I am unable to see any good reason why the Court should not do so in order to satisfy itself whether or not there really was a mistake on the part of P.W. 97 in his original statement by verifying the fact that there was a reason why he might make such a mistake. The objection is therefore overruled.

Sd/- R. L. Yorke

29/1/31

P. W. 279. on S. A.

XXN. For Thengdi and Benerjee accused. I was dealing with files of this kind from the end of 1927. I cannot give any idea of the number of the files in my charge which were inspected by Mr. Horton, nor whether this particular file was actually inspected by him. One assistant was taken from my branch to work under him, namely Mr. Sarup, at the time when he was inspecting documents in my office. That Mr. Sarup is in the office here now. This file is the personal file of a man whose name I not entitled to mention. This letter was put on this file by me as I was doing this work at that time. I did not write Spratt on this letter or so far as I remember make any of the red ink writings on it. The word 'Spratt' is in the handwriting of Mr. Coridon another assistant in the office. According to the usual practice I receive this letter

from my office superintendent. It would have been received in the office in a double cover by the Personal Assistant to the Director who pass it to the Superintendent to be dealt with in the office. Only a very few original letters intercepted are received in our office so far as I know. I have seen some. I have seen many photographs of intercepted letters. I have not dealt with any case in which an original or a photograph of an intercepted letter has been sent to the Examiner of questioned documents. I dont think my office makes any further inquiry to find out whether a copy of any letter which reaches them is correct or not. I have known cases in which an original letter has been sent with other originals for comparison to find out whether it was genuine. When it is not clear from such a letter to whom it was addressed or who the writer was office does make inquiry before putting it on an individual file. Such inquiry may be made from the office which sent us the letter, but not necessarily. There may be cases in which an officer of the C. I. D. is detailed to make the inquiry. I cant say whether in the case of this letter there was any such inquiry. So far as I can ascertain no inquiry was made but it was determined by the context. We sometimes receive copies of letters in code. Sometimes were referred to a cypher expert. I dont know the names of any. There is no cypher expert attached to our office to my knowledge. I was in our office on duty for part of the time Mr. Horton was working in Delhi. I rejoined duty at end of January when his staff was there. I dont know whether any letter was sent to a cypher expert within 4 or 5 months of my return. The office makes an attempt to get cypher letters deciphered before placing it on a file, that is if a cypher is not already known to them. I dont know if such files as these I have with me were sent to the Prosecution office in Meerut. There is no typist in my office whose initials are R.H. I believe a copy of this letter was made in our office about the 10th September 1928 (but P 2002 C2 is not that copy). I ceased to deal with file shortly after October 1928. After that so far as I can see I did not handle it again until it was required for this evidence. This file has not got on it an index showing each letter included in the file.

By Ghosh accused. In P 2002 C2 the words 'in regard to next month' are underlined in pencil. It may have been done in our office, by the officer who dealt with it or the Superintendent or by Assistant, that is myself. I dont know whether I did it and if so why I did it. I have sometimes underlined letters; in all cases it was to facilitate indexing. When I received P 2002 C2 it was not my knowledge accompanied by the photograph of an envelope. The file I have with me does contain copies of other intercepted letters. It does not contain any photo copies either of a letter or of an envelope. If an intercepted letter is photographed generally speaking we get a photograph of it. I cant definitely say that I

remember a case in which I received a copy of an intercepted letter along with a photograph of the envelope. The files with me are, one a personal file not of any of the accused in the dock, and the other a general file. I saw the Special staff of Mr. Horton working in Delhi 2 months and I think it was still there when my office moved to the hills. The copy which was made of this letter in my office was not made in my presence. It was I who sent the letter to the copyist to do. It was a typist of my office. I don't know the name of the typist. I can't say whether P 2002 C was made in my office or not.

By Dange accused. By a personal file I mean one containing papers relating to one particular person. It usually means the person who writes the letter. That is the general rule. I can't answer the question whether the file is a personal file of C.P. Dutt. It is not C.P. Dutt's file (privilege was claimed originally but Crown Counsel enable witness to answer). There would be a record on the file if an intercepted letter after being placed in a file were to leave the office. If a letter does so go out the dealing assistant generally looks at it when it comes back and then restores it to its original position in the file. There are over 30 assistants in our office to do the indexing and filing work. There is no branch called the Communist or Bolshevik section. I don't remember seeing the envelope P 377E and E1 before. The pencil writing on P 377 E1 is in my own handwriting (Note, this runs p. 301. 13 Bol. 24—111).

must therefore have seen it before. I probably only saw the E 1 side of the envelope when I saw it in our office. Witness was asked by accused to look at both sides of the envelope carefully. I can't say when this envelope came into my hands first. I can't say whether the signatures H.P. Dastur 17.9.28 with Exh. A and Exh. A 1 were on it when I saw it first. I can't say whether the words 'Be delivered personally to' with the erasing lines were there then or not. I don't remember whether the postage stamps and postmarks were on it then or not. Nor do I remember whether the envelope was open or closed when I saw it. I don't remember whether there was anything inside it then or not. I don't now remember whether for what purpose it was given to me. I probably wrote on it in order that if it got out of place it could be put back in its proper place. Such envelopes are usually placed inside another cover. 'Bol' is an abbreviation for Bolshevik. It would signify a file to me. There are probably several Bolshevik files. I would not call such files a separate Department but they would be a separate section. It would not mean that there is a Bolshevik section in my office. I am not sure whether this envelope ever left my office before it was brought to this court. If I am given an envelope with its enclosure for filing I generally keep the contents inside the cover in filing it. I would not make the same entry on the contents as on the envelope if both were being filed together. In some cases the contents and

envelope are filed separately, in the same file, one next the other. In that case too I would not write anything on the contents. I can identify a particular contents as belonging to a particular letter because they will both be next to one another on the same tag, the tag which runs right through the file. That same tag will contain other papers. Each file contains approximately 10 pages. If a paper is to be taken out and it is not in a separate cover we have to untag all the papers till we reach that particular one. Generally an envelope which has contents inside it is placed inside another cover and that other cover is tagged. The cover Exhibit P 377 E and E1 does not appear to me to have been tagged itself. When it is submitted to an officer before filing it is submitted with a clip on. Afterwards if it is required it will be merely flagged in the file. When such an envelope with its contents are sent out the entries on the covering envelope will enable one to verify whether the contents are correct. We dont commonly put any mark of identification on the contents of such envelopes. In consequence there is no mark of identification to show when such a file comes back that the contents of the envelope are the same as when it went out. I may have seen P 377 and 377(1) before but I dont remember definitely. After examining the whole of these papers on both sides I cant say whether I have or have not seen them before. There is an Examiner of Questioned Documents to the Government of India. I cant say whether he is correctly described as attached to the D. I. B. To the best of my recollection this document did not go through me to the Examiner of Questioned documents. I am unable to say whether before I made the entry on the envelope this document had gone to the Examiner of Questioned Documents. The Examiner of Questioned Documents is Mr. Stott. When we send a document to him and it comes back from him it does not bear any mark placed by him showing that it has been to him. But there is something in the notes on the file. I cant definitely say that P 377 and 377(1) were inside P 377E and E1 when I made the entry in pencil on the envelope. Judging by its size it might have been. I cant say the date on which I made the pencil note. I should say most certainly that P 377 and P 377(1) are not copies made in our office. I dont know the handwriting of the corrections. I dont know in whose charge the file was in which this letter was filed. The pencil entry would enable me to trace the file in the office. It does not tell me where it actually is. I dont remember ever to have received copies of this letter. I dont remember ever having seen Exhibit P 1512 series before. Nor do I see any identification mark on it to show that it came to our office. I might have seen a letter like P 1831 before but there is no identification mark to show that P 1831 ever came to our office. I may have seen P 1833 in the course of my duties but I cant remember and cant find any mark of our office on it. I dont remember ever having seen Exhibits P 1007, 1008, 1012 or 1859 and dont find any mark of my office on any of them.

By other accused. Nil.

REXXN. I know a typist in the Special Staff called Mrs. Hollam; her initials are R.H. She was working with the Special staff in Delhi in January 1929. P 2002 C2 bears on its top right hand the number 122 which is the page number in the file from which I removed it yesterday. I dont think the Special Staff, that is the staff which was working under Mr. Horton, was attached to our office but it occupied a room which had originally been allotted to our office. No note would have appeared of a letter being sent to the Special Staff for copying. I dont know anything about the stamps of the Examiner of Questioned Documents on P.377 and (1) and E & E 1. He generally writes in the notes.

Read over and admitted correct.

Sd/- R. L. Yorke

29/1/31

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## P. W. 280

*Mr. Christopher Roland Bird on S.A. New Witness. In English.*

I am an Inspector in the Bombay City Police and in January 1925 was attached to the Foreign Branch C. L. D. In the course of my duties I went on board mail steamers on arrival to examine passports. The document shown to me is the passenger list of the S. S. Kaisari Hind which arrived at Bombay on 30.1.25. This passenger list is handed to us by the Purser for the purpose of checking the passports. The tick marks shown that the passenger had arrived and his passport has been examined. There is such a mark against No 275 Mr. P. E. Glading which shows that his passport was then examined. This list Exhibit P 1496 (c) bears a stamp put on by us after the examination is finished.

XXN. By Mr. Sinha for Thengdi and Banerjee accused. I did not make the cross mark against Glading's and the neighbouring names and dont know what it was for. I did this work for about 2 years I cant say whether in the course of my duties I checked the passports of other passengers of the names of Glading. We dont receive in advance list of passengers on outward steamers that is



steamers due to arrive from Europe. We sometimes receive instructions in advance to examine the passport of a particular passenger with care. I received no such instruction in this case. Such instructions are given by the Deputy Commissioner Special Branch.

By other accused. Nil.

REXXN. NIL.

Read over & admitted correct.

Sd/- R.L. Yorke

28/1/31

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## P.W. 281

*Frederick Herbert Ward on oath. New witness.*

I am the Superintendent of the Judicial Section in the Home Department of the Government of India. I am acquainted with the signature of Mr. Haig who was Home Secretary in early 1929. I recognise the signature on P 2485 (1) as that of H. G. Haig. I am also familiar with the signature of Mr. J. A. Woodhead Secretary to Government of India Commerce Department. His signatures appear on P 2486 (1) and P 2486 (2). He was then and still is Secretary to Government of India Commerce Department.

XXN. By Mr. Sinha for Thengdi and Banerjee accused. On 8th June 1929 Mr. Haig was the Home Secretary. Sanctions for filing complaints and orders to file complaints are not dealt with by my Judicial section. The Political section of the Home Department deals with them. I am not conversant with the procedure in applying for sanction or that followed after sanction is accorded. Mr. Woodhead never worked in the Home Department to my knowledge. I have never worked in the Commerce Department. It is not part of my duty to send files or papers to the Secretary Commerce Department. I have had no private correspondence with Mr. Woodhead. I have seen him actually writing. It was a note on a case, that is a file, a couple of month ago. I was ordered to take an important case to his house. That is the only occasion on which I have actually seen him writing

By Nimkar accused. I have attended sittings of the Legislative Assembly. I was not present there when the Public Safety Bill was discussed. I have not been there since about 1926.

Question re reply given by Sir James Crerar in Assembly saying accused not prosecuted for opinions disallowed as irrelevant; do., re white paper said to have been laid before the House of Commons; do., re answer in Assembly re cost of this trial;

By Dange accused. I have never seen Exhibit P 377 series before now, or so far as I know heard of it. I never submitted an envelope or papers like this to the Home Secretary. He does not ever get papers from the D. I. B.'s office through me, with reference to a case which the Government of India wants to institute. My section of the Home Department does not maintain connection with the D.I. B's office, except in regard to some questions relating to the traffic in women and children.

By other accused. Nil.

By Mr. Sinha with permission. At the end of the booklet D 648 the printer's endorsement containing the letters GIPD and DIB indicates that it was printed for the DIB at the Government of India Press Delhi.

REXXN. Files do go from me to the Commerce Department which Mr. Woodhead would see if the subject was important enough. They come back to me. Such files have many times come to me purporting to have been written or signed by Mr. Woodhead. That is done in the ordinary course of business. Asked if this habitually done, witness said, there is a little misconception in my mind and I am not quite sure what is meant. (Note. Mr Sinha objects to the word habitually being used as the question is thus a leading question. I see no objection to it.) Counsel explained that he meant: Did files coming back to the Home Department from the Commerce Department to which they had been sent through witness usually and in accordance with the custom of the office come back through him. Answer. Yes.

To Court. The reason why a document which would usually be signed by the Secretary to Government in the Home Department was signed by the Secretary Commerce Department was that the Home Secretary was not available that day. I know that must have been the case or else the Home Secretary would have signed the order. It is an inference. No one was acting for Mr. Haig that day. He was the Home Secretary.

Read over and admitted correct.

Sd/- R. L. Yorke

10/2/31

*P. I. Gaya Prasad. Recalled on S.A.*

I am familiar with the signature of Mr. R. A. Horton. I have also frequently seen him write. Documents written by him have also often been received by me and submitted to me in the ordinary course of my duties. Similarly I know the signature of Mr. Edye who was District Magistrate of Meerut in March 1929. I also know that of Mr. Milner White. I also know the handwriting of both these gentlemen. The signature at foot of the complaint P 2485 is that of Mr. Horton and the manuscript writing and signatures at 2 places below Mr. Horton's signature are those of Mr. Edye. The note in the margin of the sanction order P 2485(1) and initial signature is also in the handwriting of Mr. Edye. The further complaint Exhibit P 2486 is also signed by Mr. Horton as is the schedule attached marked A and also the signature certifying schedule B to be a true copy is his. In the margin of P 2486 in left hand bottom corner is an order in the handwriting of Mr. Milner White signed by him. Below that is a note with his initial signature. There is also an order 'place on file' with Mr. Milner White's initials on the sanction P 2486 (1). There is the same also on P2486 (2). Mr. Milner White was the Additional District Magistrate of Meerut appointed to inquire into this case. (Mr. Sinha raises objection to P 2486 Complaint against Hutchinson and Amir Haider. Arguments heard and orders reserved.)

XXN. By Mr. Sinha for Thengdi and Banerjee accused. I served under Mr. Horton for about a year at Etawah in 1917. I was not subordinate to him at Meerut. At times under the orders of the Court I had to put up papers to him here, that is papers relating to the return of property and the like, sent to Mr. Horton for his report. I was asked to show documents to Mr. Stott for examination, that is original exhibits which were to be examined or photographed. They were not sent to his office but shown to him here. I have not maintained any register or note of the documents shown to Mr. Stott. The total number of days occupied by him in examining original documents that is exhibits may be 14 or 15 or a few days more. I kept no record. He began before his examination as a witness in the Lower Court. It might be 1 or 2 months before. He and his assistant remained here for several days the first time but I cant say how long. I dont know name of assistant but he came with Mr. Stott. Mr. Mitter Junior Counsel was with Mr. Stott on the first occasion pointing out what portions he was to identify. No one else was ever with him from Prosecution staff. Often as the examination was going on while the proceedings were going on in Court Mr. Mitter used to come into Court after telling Mr. Stott the portions on which opinion was wanted. I used to be told by

Mr. Stott what documents to bring, sometime one or 2 and sometimes 50 or 100. Sometimes I took to him whole search bundles when he wanted a number from that search. I never made any list of documents proved by Mr. Stott. Mr. Stott examined other documents besides those about which he has given evidence. I cannot give an approximate number of the documents which he examined over and above those which he deposed. I dont remember affhand the number of any such exhibit but by examination I can find out as every document examined by him bears his stamp. Some however were not stamped when he got them photographed in the Lower Court. Later on he told the photographer to be careful to do it as difficulties arose in identification. Mr. Stott has taken 5 or 6 days in this court in the examination of original documents in about November or December. 2 or 3 days were occupied in comparing the photographs taken by him with the originals which I gave him. At the time of his examination of documents in the Lower Court Mr. Stott had with him photo copies of most of the documents taken here under the orders of the Court. Mr. Stott did not make any further examination of documents between the time he gave evidence in the Lower Court and the time the case began in this court. All the photographs taken under orders of the court were taken by one photographer. His name is Khan Sahib Mah Numani. He is photographer in the service of the Government India. The register I kept was from August last and was only to show what documents were examined by accused on exhibit days, and not at other time.

The papers I have here have been produced by me from the search material of Thengdi accused, search list P 795. The items are 18, 34, 82, 83, 92, 93 (12 Fabian Tracts), 94, 102, 109, 135, and 136, marked D 655 to D 665.

Under the orders of the District Magistrate certain papers were returned to Thengdi accused. I cant say if the file shown to me was one of the papers returned to him. It looks like a mixed filed. Item 73 of the search list was returned to Thengdi accused on 23.12.29. I cant say if these papers were those composing item 73 of the search list. (Mr Sinha tenders pages 11, 34, 36 to 39, 52, 53, 62, 71, 73, 74, 78 to 94, 98 to 102, 108 to 111, 113, 114, 127 to 130 as having been part of this file. Prosecution has examined these pages and sees no reason to dispute their genuineness as papers found in Thengdi's search judging by the signatures on them of a person who had signed the original items 82 and 83 for example marked D 666).

By Nimbkar accused. I dont know exactly when Mr. Edye went on leave. It was about a ago, during the inquiry time. Volunteers. No, it was after trial started. I saw Mr. Horton

writing several times during his stay in Meerut, in the prosecuting Counsel's room and in the prosecution office and sometimes in court. I have also happened to see the handwriting one way or another of most of the accused in Court. I can certainly identify the handwriting of any accused if it is not disguised. I don't think the handwriting on P 2163 PE is that of Nimbkar accused.

By Sabgal accused. A number of irrelevant question as to state of exhibits, number of papers in exhibits, etc all disallowed.

REXXN. Mr. Milner White came from Muzaffarnagar where he was District Magistrate. I think that P 2163 PE is in Ghate accused's handwriting. He is one of those accused in reference to whose handwriting I was asked by Nimbkar accused whether I was familiar with it.

At Nimbkar's request:- asked whether he told any of the prosecution staff in lunch interval what his opinion was about P 2163 PE: I was telling Nimbkar accused during lunch interval that I thought the writing on P 2163 PE was Ghate accused's. I did not tell actually tell any of the prosecution staff but many people were listening including members of that staff.

Read over and admitted correct.

Sd/- R. L. Yorke

23/2/31.

Mr. N. V. Apte. Court's witness No: 2 to prove translations made by him of Marathi transcriptions made from reports of P. Witnesses 276 and 278, and proved by those 2 witnesses. On S.A.

I am a translator in the Oriental Translator's office at Bombay. I have been engaged since 26th January in translating the transcriptions of Marathi speeches marked M.

Exhibits P 1696M1T, 1696M2T, 1697 MT, 1698MT, 1699MT, 1700M T, 1701M1 T, 1701M2 T, 1702M T, 1703M1 T, 1703M2 T, 1703M3T, 1704MT, 1705MT, 1706M1T, 1706M2T, 1707MT, 1708MT, 1709MT, 1710M1T, 1710M2T, 1711MT, 1712MT, 1713MT, 1714MT, 1715MT, 1716MT, 1717M2T, 1718MT, 1719MT, 1720MT, 1721M1T, 1721M2T, 1722MT, 1724MT, 1725MT, 1726M1T, 1726M2T, 1726M3T, 1726M4T, 1727MT, 1728MT, 1729M1T, 1729M2T, 1729M3T, 1729M1aT, 1730 M1T, 1730 M2T, 1731 MT, 1732MT, and 1733MT are to the best of my knowledge and belief literal and correct translations of the corresponding Marathi exhibits. They are all signed by me.

XXN. By Nimbkar accused. I have been about 7 years in the Oriental Translator's office. I am a graduate of the Bombay

University. I was born in the Ratnagiri district. My second language was Sanskrit. For the purpose of my translations I was given the original longhand transcriptions marked as exhibits by the Court. I followed the originals and not the printed versions in translating. I found some grammatical mistakes in the originals. I tried to understand the meaning of the whole and translate it into good English. I tried to translate them absolutely literally. At places I found the sentences disjointed and I made a marginal note to that effect. In cases where for example I found a single word and then crosses indicating omissions and then a sentence I tried to keep the translation in the same form as the original. In P 1696M1 the sequence is not all right, there are many omissions. In the paragraph about Congress money there are grammatical mistakes. Some of the sentences are clumsily put. In the sentence 'I say that all these people are after Bardoli etc' the words for I say should be literally 'I said' but I found that the clauses following were one in the present tense and the other in the past and I had to accept one or the other. Referring to the phrase 'and the Secretary is a big man' I find in the transcription the word 'Me' crossed out before and 'mote' put in after Secretary. If Me is left in the sentence means 'and I am the secretary.' The word for 'previous' in the next sentence is 'maji.' The word which means 'my' in Marathi is 'mahjya.' Further on in the 'barrister' sentence the words translated 'accompanied' mean literally 'was with me.' The sentence because just as we have to carry etc. is disjointed in Marathi. In sentence 'we are asked to see etc' the word for 'again' appears. I have not put it in English. Lower down the word I have translated machinery is 'sacha' which means looms: I think it also means machinery. I have used looms or machinery according to the context. 'But where' the word 'where' means 'about what.'

In P 1696M2 the sentence 'how should he be taken to task' expresses contempt in Marathi. Bole Sahib had attended some meetings: the word for some means one or other that is stray meetings. The work for 'him or them' in sentence ask him or them is in plural; in previous sentences he used the singular in speaking of Mr. Bole. At the end of this speech the words translated and meaning literally 'the real public' may mean 'masses.'

In P 1697 M. My orders to translate the speeches literally. The words 'have to see how' in a different context mean 'are determined that'. The paragraph describing Government as Mabap etc. in clumsy Marathi. 'The owners will get an opportunity' should really be 'the owners will be profited.' The word for 'sanction' is literally 'to be given'.

P 1706 M2. They in the sentence They said that we and you do not agree is apparently the Millowners.

P 1707M. Kartabgar is translated by me 'a man of action' but may also mean 'a capable person.'

P 1708 M. I have used Molesworth and Waze's dictionaries. I did not find the words Ladisas in dictionary but it is lorries which I got it from somewhere else in the same speech.

P 1709M. The word Hijadas is found in dictionary and means 'hermaphrodite.' Dadagiri is in common use in mill-area and means 'the act of a turbulent person' or 'bullying.'

P 1710M1. The sentence in middle 'Because Government is fully aware' is very disconnected. Literally this sentence runs: 'If you one lakh and a half of people become one, you one lakh and a half of people if one gun each comes into the hand of the Bombay police, not even one white man will remain alive, this the Government knows for certain.' The word translated 'crush' the people means literally 'wring' and may mean 'exploit.'

P 1710M2. The sentence 'but it is not right that the leaders etc' as it is Parsi Marathi may very possibly mean 'but the leaders of your people there are not good.'

P 1711M. 'Your law is absurd' might be translated: To Hell with your law.

P 1713M. The word translated 'humanity' is 'manuski' which means 'human qualities', I dont know what exactly Danpatta means: it may mean lathiplay.

P 1714M. 'launis' may mean folksongs. It means rural people's songs. The sentence 'the reason of this is that the workers now realise etc' is not a correct sentence. The word 'idea' is common to both clauses. Literally it runs: 'the cause of it is this that the workers have now realised this thing, the difficulties of one class of workers, the difficulties of ourselves, this idea must be extended.' The sentence 'though some persons, a few persons are killed etc etc' contains grammatical mistakes.

P 1715M. The word lachan translated tortuous device may be translated 'scheme' or complicated scheme. 'The thief thinks of the moonlight' is a proverb meaning that the thief has a guilty conscience 'we will alienate all the workers' the word 'alienate' means literally break and probably here means 'make them go on strike.' In 'we are educated men etc' the second clause should read 'the owners are such as can read English books.' The word 'cause' in 'talking your cause' might better be 'vow.'

I prepared these translations myself and took Mr. Abhyankar's (Court Interpreter's) help in comparing them and correcting the typed copies. I did not find any special difficulty in translating

these exhibits. I do not understand colloquial Marathi as used in Goa. I can understand and generally the dialect used in Malwan.

By other accused. NIL.

By Prosecution. NIL.

Read over and admitted correct.

Sd/- R. L. Yorke

14/3/31

Recalled on S. A. I also translated 2 pieces of pencil-manuscript D 649 and D 635 (2). My translations of these are D 649T and D 635(2)T. They are to the best of my ability correct.

By Accused. No crossxxn.

By Prosecution. No xxn.

Read over and admitted correct.

Sd/- R. L. Yorke

14/3/31

Mr. K. S. Abhyankar. Court Inteteter. Court Witness  
No: 3 on S.A.

In the last fortnight I have translated 3 of the M documents namely exhibits P 1734 M, 1735 M. and 1736 M. P 1734 MT, 1735 MT, 1736 MT are to the best of my knowledge and ability correct translations of those documents. They are all signed by me.

By Nimbkar accused. I am a graduate of the Bombay University. I have been 5 years in the Oriental Translator's office and one year at Meerut. Our office is quite separate from the High Court. My second language was Sanskrit. I found some grammatical mistakes in the documents I translated. P1735 is at places disjointed.

By other accused. Nil. By Crown Counsel. Nil. (Note. Some question arises of a passage dictated to Mr. Macwan. This witness can be recalled if necessary.)

Read over and admitted correct.

Sd/-R. L. Yorke

14/3/31

Prosecution tenders u/s 78 Evidence Act for convenient reference copy of G/I Gazette extraordinary dated April 13, 1929 containing a historical summary which gives a few dates which may be useful in the case. The court will use this merely for the



purpose of those dates. Mr. Nimbkar asks me to note his objection that he thinks it is put in in order to put some kind of pressure on the Judge. The objection seems to me to have no force.

Public Prosecutor also tenders the copies of Imprecor contained in Exh P 2491 and in addition the issues of 25 other dates, including that of 3.1.29 requested by Ghosh accused. Dates are as follows:-

Volume 2	No 82	26.9.22
" 2	" 106	2.12.22
" 2	" 118	30.12.22
" 3	" 45	22.6.23
" 3	" 46	28.6.23
" 3	" 47	28.6.23
" 4	" 6	28.1.24
" 4	" 25	17.4.24
" 4	" 69	30.9.24
" 5	" 31	10.4.25
" 5	" 41	6.5.25
" 5	" 45	28.5.25
" 5	" 47	4.6.25
" 5	" 58	23.7.25
" 5	" 59	23.7.25
" 5	" 64	13.8.25
" 5	" 73	8.10.25
" 6	" 20	17.3.26
" 6	" 63	23.9.26
" 9	" 1	3.1.29

These may be marked P 2491. A.

Mr. Sinha asks the court to note that while these are admissible u/s 81 of the Evidence Act he reserves his right to object at a later stage to any particular use that may be made of them.

Crown Counsel also tenders a copy of the Labour Monthly containing an article by Philip Spratt : The issue of October 1927. Mr. Sinha makes the same remark. This may be marked P 2580.

Crown Counsel also tenders 6 issues of the Masses of India for January 1926, and August to December 1926. These, subject to Mr. Sinha's reservation, may be marked P. 2581.

Crown Counsel also tenders Mr. Edey's order of 13. 3. 29 u/s 196(B) C. P. C. authorising investigation of this case : and another order of 23-3-29. Both these should have been on the judicial record of the Lower Court and may now be included in the record. They are stated to have been mislead among files in prosecution office.

Crown Counsel also tenders as a book of reference which might be looked at from the historical point of view ( vide S 57 penultimate paragraph and S. 87 Indian Evidence Act ) a book entitled "Bolshevism the Communist International" published by C.P.G.B. for Communist International" at 16 King St. in 1925. Admitted and marked P 2582. Mr. Sinha objects to this as not an appropriate book of reference on the subject. Mr. Nimbkar says this was in Bagarhotta's search and not proved when it might have been: secondly Prosecution has proved similar books by English witnesses and did not choose to prove this : it is not a book of reference. This I shall verify in due course.

Prosecution also wish to tender an article in the Bombay Chronicle dated 16. 4. 25. headed "Export of British Capital" from "an occasional correspondent." He argues this to have been written by accused Desai by reference to P 1872 C dated 18. 6. 25. a letter from Desai to Mr. D. P. Sinha.

Mr. Sinha objects to the admissibility of this and relies on 36 Madras P 457. He admits merely that this is a copy of the Bombay Chronicle of the date referred to. Let a certified copy be made for the purposes of the record : the Prosecution undertakes to produce the original at any time if required. Original article marked P 2583. Copy will be marked P 2583C.

Prosecution closes its case.

Sd/- R. L. Yorke

17. 3. 31.

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Saraswati Printing Press Meerut, (U. P.) India.



*Mr. H. N. Brailsford called u/s 540 C. P. C. at the request of Desai and Ghosh accused, who wish to call him as a defence witness, in view of the fact that he is not likely to be in India when the defence comes on. On S. A.*

Court puts no question at this stage.

By Mr. Sinha for Desai, accused-only. I was for some time foreign correspondent and a leader writer for the 'Manchester Guardian.' I was also on the editorial staff of the 'Nation' throughout the editorship of Mr. Massingham. I was also one of the British members of the Carnegie Commission in the Balkans. From 1922 to 1926 I was the editor of the New Leader, a weekly paper founded by the late Mr. Keir Hardie. It was and is the official organ of the Independent Labour Party. The Independent Labour Party has been and is affiliated to the 2nd International otherwise called the Labour and Socialist International. I have been a member of the Independent Labour Party since 1907. When I was editor of the New Leader Mr. Ramsay Macdonald frequently contributed to the paper and frequently attended our weekly editorial meetings at lunch. I am the author among other books of 'The War of Steel and Gold' 'A League of Nations' and 'Socialism for Today.' I am also a contributor to the Encyclopaedia Britannica, my article being on The Russian Constitution under the title 'Sovietism'. I was present as a delegate at the Conferences of the 2nd International at Hamburg and Brussels in 1923 I think and 1928. I also served on its bureau while its Secretariat was in London.

I know Desai accused. I first met him in London, in 1925 probably. He brought to me a letter from the Servants of India Society and a personal introduction from Professor Patrick Geddes. He was in frequent, fairly close, touch with me while he was in England. He explained the purpose of his visit by saying that he wished to study the ideas and working of the Socialist party in Great Britain. He also wished to get experience in Labour Journalism with a view to using it afterwards in India. He contributed 2 or 3 times to the New Leader. His contributions were passed by me personally. I found nothing in his contributions inconsistent with the ideals of my paper. The article on page 4 of the issue of the New Leader dated 22.1.26 marked D. 9 is one of Desai's articles. I recommended Desai to the editors of several other papers, including the editors of the Manchester Guardian, the Daily News and the Daily Herald. I recommended him for employment on the staff of the 1st and 3rd of these. Desai told me he was acting as London correspondent of the Bombay Chronicle. The letters marked D. 577 and D. 578 are the 2 letters referred to above which Desai brought to me as letters of introduction. The letter shown to me marked

D 579 is one of those I received in reply to my request that the Daily News should give some work to Desai. The signature is p. p.c. and not Hodgson's own. The letter marked D. 580 (only a portion surviving) is a letter written by me to Desai telling him I think that I had spoken to Hamilton Fyfe editor of the Daily Herald. D. 581 (1) & (2) are 2 letters issued by my assistant whose signature I identify in regard to contributions from Desai to the New Leader. I am fairly familiar with the handwriting of Colonel Wedgwood and can say that the signature on D. 582 is his. He was in the 1st Labour Ministry. The addressee Mr. Gillies is a permanent official of the Labour party in charge of its International side. Letter D. 4 is also in Col. Wedgwood's handwriting. At the date of that letter Mr. George Lansbury was Manager of the Daily Herald. I recognise the signature of Mr. Norman Ewer in the letter shown to me D. 583.

I know a Mr. Hubert Peat who is a member of the Society of Friends and was in 1925 conducting a press agency devoted to Eastern affairs. I also know a Mr. Phillips Price now a member of Parliament. He was correspondent of the Manchester Guardian in Russia, and is the author of a book called "Reminiscences of the Russian Revolution."

I know of a Russian periodical called Iskra issued by the Russian Social Democratic party before the war. It had an editorial board of I think 5 members of whom Lenin was one. 3 of the others whom I knew personally belonged to the Menshevik section of the Social Democratic Party. I have met Lenin more than once. He knew me. At the time when he was on the editorial board of Iskra Lenin was a member of the 2nd International and used to attend and speak at its conferences.

I know a Russian periodical called Vperiod, or Forward. There is a paper called Forward published in Glasgow. The editor Tom Johnson is a member of the Labour Government and Mr. Ramsay Macdonald was a contributor up to the date of his assumption of office. There are also Forward's in 2 other countries, Germany and the United States of America.

I am still a constant weekly contributor to the New Leader. As a Socialist Journalist I have to acquaint myself with Communist Conservative Liberal views and to that end I study their literature. In the course of my duties I frequently receive and read and even subscribe to papers such as The Communist International the Labour Monthly, and the Sunday Worker. As Editor I very frequently invited contributions from persons other than those belonging to my party. I published such contributions on controversial topics. I have also reviewed in the New Leader books written by well known Communists, including "Lenin" by Trotsky

and 'Reminiscences of Lenin' by Clara Zetkin and almost every important book by Communists. An article entitled 'Is Russia Collapsing' purporting to be by Zelda Coates was I remember published in the New Leader. The same article appears at page 1 of no. 6 of the 'Spark' shown to me. Mr J. A. Hobson whom I know well frequently contributed to the New Leader. He is a well-known distinguished Liberal economist. He has lately joined the Labour party. I have come across the expression of opinion that Imperialism is Capitalism in its operations abroad and myself considered it apt. I myself wrote the article 'Exploitation east of Suez' published in the New Leader dated 5.2.26, at page 9, Marked D. 584.

The 'Desai' referred to at several places therein is the accused Desai. The Commonwealth of India Bill referred to is the Bill put forward by Mrs. Annie Besant. The New Leader in my time received unsolicited communications, pamphlets etc from Communist sources in large numbers.

Mr. Ramsay Macdonald was a member of the Independent Labour Party till last year and was at one time its chairman. About 153 members of the present Labour Party in the House of Commons are members of it. Several members of the Cabinet belong to it. The Independent Labour Party carried on vigorous propaganda against the last war and is doing the same against any next war. Prominent among those who did so were Keir Hardie and Ramsay Macdonald, and Phillip Snowden. The Independent Labour Party also carries on propaganda amongst Britain workers to establish a Socialist Government to bring about a Socialist state of Society. The 2nd International has always used and still uses the slogan, 'Workers of the World Unite' which dates from 1848. In the literature of that International phrases like Class Solidarity and Class consciousness are frequently used. They are both advocated by Trade Unionists and in fact are the whole foundation of the Trade Unionist movement. Kautsky and Hilferding are regarded as leaders of thought in the 2nd International. I know a book called 'Imperialism by Mr. J. A. Hobson'. It is regarded as a book of authority in the English Labour movement. I know a book on India, a study of Labour conditions in India, by Furtwangler. I know the author personally. He is secretary of the German textile workers and came to India as a member of the International Trade Union delegation. He belongs to the 2nd International and his union is affiliated to the International Federation of Trade Union. I know some of Henry George's books. He was a Liberal individualist.

I attended the Labour party Margate Conference in 1926. D. 538 is a copy of the official report; I received a similar copy. It is a correct report. There are Leagues of Youth organised in connection with all parties of the 2nd International. A war resistance resolution was moved by Femmer Brockway, now M.P. The seconder Arthur Ponsonby was a member of the Labour Ministry.

D. 544 is a report submitted in 1926 to the Independent Labour Party by a committee of which I was a member. The resolutions on pages 3 to 6 were taken from official publications.

The book marked D. 543 The Labour Year Book for 1926 is an official publication of the Labour party. Similarly the book marked D. 5A the Socialist Annual is an official publication of the Independent Labour Party. The book marked D. 553 is an official publication of the Independent Labour Party. I was not but am now a member of the Committee which produced it.

I know a publication called the Plebs of which P. 1276 are samples. It is a socialist, not a Communist publication.

Its leading conductors are Mr. Horrabin M. P. and Miss Ellen Wilkison M. P. a junior member of the Labour Government. It is Marxist but not Communist. Marxism is the theoretical basis of the whole of the Continental parties of the 2nd International movement, especially of its more moderate parties.

I know of an organisation called the Labour Research Department and was a subscriber to it till 1926, as Editor of the New Leader. I left it because I ceased to be editor.

Its offices were originally in Eccleston Square in the office of the Labour Party, but it subsequently moved to Buckingham Palace Road. Mr. Sidney Webb was its founder: he is now Lord Passfield. I have visited both its offices and frequently used its services for getting information for the purposes of the New Leader. It was chiefly supported by Trade Unions which asked it to make inquiries on their behalf. It did so in about 1925 in connection with the Lancashire Cotton trade. It publishes much valuable information which is used by members of my party. When I was a subscriber I did not find it a Communist organisation. The book shown to me P. 48 the international Labour Handbook for 1921 contains a contribution from me. Mr. Less Smith another contributor is now Postmaster General. I am also a contributor to a year book called Europa. The book marked D. 585 is the book 'Reminiscences of the Russian Revolution' to which I referred earlier.

I attended the anniversary celebration of the Russian Revolution at the Russian embassy in Chesham Place in 1924.

The Labour Government was in office then. I saw a number of members of the Cabinet present at that occasion, and also Sidney Webb, Bernard Shaw and Arthur Ponsonby.

Mayday is the festival of labour celebrated by the Labour and Socialist International all over the world. It has been celebrated for the last 50 years. My party like others carried on agitation against the execution of Sacco and Vanzetti. I wrote an article myself in the New Leader on the subject. In the 2nd International the Indian Federation of Trade Union is the Trade Union side and the Labour Socialist International the political side.

The Independent Labour Party is the declared adversary of every form of Imperialism, and Capitalism. Its policy is to put an end to every form of exploitation of colonies. By Capitalism I mean the private ownership of Capital.

By Ghosh accused. Mr. Tom Shaw M. P. now Secretary of State for war was a member of the same delegation with which Mr. Furtwangler came to India. Messrs. Purcell and J. Hallsworth visited India as delegates from the British Trade Union Congress. I know that the National Union of Distributive and Allied Workers is a very large union. The National Union of Railwaymen was to my knowledge affiliated to the Labour Research Department. Upto 1925 or 1926 I know that the Amalgamated Engineering Union was also affiliated to it. Mr. J. Thomas was general secretary of The National Union of Railwaymen until he became a Cabinet member. Mr. Purcell was secretary of the National Amalgamated Furnishing Trades Association. National Union of Railwaymen, Amalgamated Engineering Union and the Furnishing Trades are big unions. Mr. Arthur Henderson M.P. Foreign Secretary used to be secretary of the National Union of Foundrymen. The National Union of Journalists was affiliated to the Labour Research Department at any rate up to 1926.

I have seen other copies of D. 65 Exploitation in India, by Syme and Johnston, before. Mr. Syme was at the time of its publication the secretary of the Dundee Juteworkers Union, and Mr. Johnstone was the editor then of the Glasgow paper Forward. The passage shown to me on page 43 of D. 544 is the economic basis of the slogan "Workers of the World Unite". The Unions composing the 2nd International subscribe to those principles unanimously. The same principles were preached by K. L. Ghosh in the 1st 11 lines of his speech as reported in D. 176. I in my recent tour in the Jute area found conditions the same as I saw them described in Syme's report. I know that Mr. Norman Angell has written a book. 'Must Britain travel the Moscow road'. It is a reply to Trotzky's 'Whither Britain is going.' Mr. Angell's book



represents the views of the more moderate section of the 2nd International. It is the point of view of that section that if evolutionary or constitutional methods fail resort to revolutionary methods becomes more or less inevitable. In P. 1893 (3) T the passage from line to line 19 on page 18 English version is shown to witness: I can't be sure of the meaning of this passage. If the passage means that evolution arrested inevitably leads to revolution that is a doctrine to which the 2nd International subscribes. The history of Trade Unionism by Sidney Webb is a standard book on the subject. I know M. Vanderveldt; he has I know written a book on the Russian Revolution and is a leading figure in the 2nd International. He was Foreign Minister in Belgium. I know Mr. Mardy Jones M. P. He came to India and wrote articles on mining conditions in India.

By Dange accused. The Independent Labour Party is not opposed to class war. The 2nd International in a recent conference passed a resolution advocating self-government for colonies by degrees. I don't think it is opposed to what is generally called Complete Independence. That resolution is not applicable to India which is not to be regarded as a backward colony. The Independent Labour Party would concede the right of India to independence if she should demand it but would lay before her certain reasons in the hope of persuading her not to make that demand. The Independent Labour Party supports the present Government with many qualifications. I wrote the passage shown to me marked on page 223 of D. 586 in the New Leader. I wrote the preface to P. 1236. The Defence of Terrorism. The preface does not mean that I agreed with the views expressed in the book. I wrote it because I thought it a book which deserved careful study. I wrote the book 'How the Soviets work,' P. 1777 after a visit to Soviet Russia.

By other accused. Nil.

By Crown Counsel. I think the 2nd International view is that if constitutional methods fail they would be prepared to break the law to gain their ends. Volunteers: They would be slow to conclude that constitutional methods had failed. Volunteers in reading over: By constitutional methods failing I mean "if constitutional opportunity should be lacking" or "in the absence of opportunity to attain our ends by constitutional methods." In the Brussels Conference in 1929 the French party submitted a resolution suggesting that the International should be prepared if necessary to secure its end, namely the resistance to war, by every possible means, not excluding revolutionary uprisings. The resolution was carried but, probably without the last phrase. I was

present. The Labour Socialist International was organised in its present form or with its present constitution at Hamburg in 1923. The Independent Labour Party on one or more occasions suggested a Unity Conference between the 2nd and 3rd Internationals. I know the Labour Monthly. Seeing the number for August 1926 page 499, the reasons for proposing the Unity conference are stated there along with the resolution, and are correct. The resolution was rejected at the Zurich Executive Committee meeting of 2nd International of 11. 4. 26. The 3rd International threw it out without waiting for it to be put before the 2nd International. I was not present at either meeting. Before the matter came up for decision the Labour Monthly a recognised Communist paper commented on it. By the passage of my writing quoted on page 202 of the April 1926 number of the Labour Monthly I mean that we the Independent Labour Party and the Labour Socialist International would refuse to contemplate taking up arms to win power for the working class so long as we enjoyed the benefits of a democratic constitution. In Great Britain we do enjoy those benefits. It is true to say that we would see in civil war the ruin of our hopes. It is also correct to say if this difference of opinion between us and the 3rd International is unbridgeable it would be useless to talk of a united front. By what I said about Great Britain I mean that so long as the working class has under universal franchise and a democratic constitution the opportunity of winning power by constitutional means it ought not to resort to violence. I dont contemplate that applying to Italy, because there is no freedom of the press or of election. I dont contemplate it applying to countries where there is not universal suffrage. Experience has taught my party to be very chary of collaborating with the 3rd International and the passage by Brockway at foot of same page 202 expresses how we felt about it in 1926. The comments at pages 203 to 207 represent a correct official statement of the views of the Communist Party of Great Britain at that time on the question of united front between the 2nd Internationals. A 2nd suggestion for unity was again rejected by the 2nd International in 1928 or 1929. The history and account of the above unity resolution is correctly given on pp 28 and 29 of D. 531. Regarding the 2nd International Conference and the resolution about Self-government in colonies the resolution is correctly given at page 631 of the Labour monthly for October 1926. Class 2 is not meant to exclude Independence. In my statement about the continental parties and Marxism I was referring more to the materialist conception of history and the economic analysis of the capitalist system. I was also referring to Marxist methods. A Marxist aim means the transference of power from the present ruling class to the workers. As to the method as conceived in his earlier life it was necessarily

a revolutionary one, but he defined that method with special reference to his own country Germany which had no constitutional freedom while as yet no European country possessed manhood suffrage. Towards the end of his life he said in reply to the Dutch socialists that in countries which possessed manhood suffrage and a democratic constitution a revolution would be unnecessary or might be avoided. I can't give the reference for that. As regards Marxist methods there is a conflict of interpretation between the Russian and other continental schools. I agree that Engels after Marx's death emphasized Marx's view that the Capitalist state must first be shattered.

Sd- R. L. Yorke.

22. 11. 30

Continued on S. A. I have been twice to Russia. I have studied Russia and its system of Government and the 3rd or Communist International; my evidence in regard to the 3rd International is necessarily that of an opponent. I cannot interpret its doctrines from the inside as I can those of the 2nd International. I am an opponent of the 3rd International because its methods include armed revolution and because its organisation demands the complete surrender of the autonomy of its constituent parties that is the various national sections, and 3rdly because its view of political evolution requires a complete break with many of the cultural acquisitions of the past. By this I mean their view of individual liberty as a phase of the bourgeois period of development which has now to be discarded. The 2nd International on the other hand hopes to avoid armed revolution in countries enjoying the benefits of a democratic constitution. In a country like Italy the methods would not be dictated by the International but left to the discretion of the national party. In other countries too they might hope to avoid armed revolution but would not censure a party for resorting to it. I would say that in such countries at some stage of the struggle force would be inevitable. I wrote at page 60 of P. 1777 as follows:—

'Communists therefore refuse to rely on the use of democratic forms within the Capitalist state to bring about the transition to Socialism'. I also wrote the footnote to the same page which still represents my view and that of the 2nd International. It is as follows:—

Most Socialists of course in countries which have a long democratic tradition, argue that with adequate self-education and organisation the workers may hope, under fortunate conditions, to use the forms of democracy to hasten the evolution of Socialism

without bloodshed. In this footnote I was answering the Communist view that the Capitalist class will itself resort to violence to prevent the success of a Socialist movement. I argued that even this may perhaps be avoided in countries with a long democratic tradition. The 2nd International itself dictates no policy to its constituent parties in countries other than those with a long democratic tradition. Indeed it does not dictate to any one. The policy it suggests to these countries is to aim at securing a democratic constitution. For that purpose it suggests the organisation of the workers in trade unions and in a political party, and the use of the appropriate methods of pressure and agitation. By appropriate methods I mean those which seem to the party in the country concerned appropriate. By the distinction I drew between classes of countries on the point whether armed revolution could be avoided I meant that in the class of countries not enjoying democratic constitution the hope of avoiding it was weaker. My reason is that in such countries armed revolution might easily break out in the attempt to secure the benefits of a democratic constitution. The 2nd International recognises the existence of the class struggle or existing class antagonisms. It emphasizes that existence and insists upon the Class-struggle, (volunteers) of which the purpose is to make an end of class, (to Counsel) by the abolition of Capitalism. Probably the word 'overthrow' (of capitalism) and even more inexact words are used even by leading socialists of the 2nd International, but I think they convey a wrong impression by suggesting a catastrophic end.

The 2nd International has so far no direct contact with India on its political side but has some on the Trade Union side through Indian Federation of Trade Union. It does not therefore state its views as to methods directly on the Political side, to any one in India. It has no objection to instilling its doctrines into Indians in England or Europe. The use of armed force does not necessarily involve the coming into being of the Dictatorship of the Proletariat. It is however correct to say as I did on page 59 of the same book: 'The Dictatorship is an inevitable phase in any Socialist transformation of society which has won its opportunity by armed struggle.'

I should however wish to emphasize here that I am speaking of an armed struggle conducted not to win democracy in the ordinary sense but to carry through a social revolution. Even martial law may be a Dictatorship. Martial law where the body administering it is the organised body of the workers amounts to the Dictatorship of the Proletariat. It is not correct to say that my experience of the Dictatorship of the proletariat is the only country where it exists is that it amounted in practice to the Dictatorship of the Communist party over the Proletariat. At page 135 the foot I have stated my

true view as follows: There was at one time a good deal of truth in the epigram that the Dictatorship of the Proletariat is in reality a dictatorship of the Communists over the proletariat. I doubt whether this saying would be a fair epitome of Russian political life today. The dictators have developed sensitive ears..... My views are summed up on the 2nd paragraph on page 139 to 140 C party. Certainly the Communist party is the ruler of Russia owing to the discipline of the party. (Dange accused objects to the witness being treated as an expert on the Communist party of Russia, ( Communism and conditions in Russia). Before writing the book "How the Soviets work," I studied very carefully so far as an outsider can the working of the Communist Party of Russia. The result of my study is embodied in this book and I believe it to be correct. The fundamental rule to which I referred on page 140 is 'obedience'.

Iskra means Spark. I came to know that by my study of the history of the Russian revolution. Anyone studying Leninism would know it from their reading. (Mr. Sinha objects). A Socialist journalist might call his paper Spark without reference to the Iskra, mentioned by me earlier. I mean he might hit on the name by entire accident. The name is itself an attractive one. To me the probability of the accident would be diminished by a reference to Marxian oil in the editorial in the 1st number.

(Mr. Sinha objects that this is an opinion about what another person might have thought, as witness is not an expert on psychology.) I knew of Iskra before the split in 1903 between the Bolsheviks and the Mensheviks. All my knowledge of it is indirect save that I knew the composition of the editorial board before he split. Some little time after the split it fell entirely into Menshevik hands. It would be wrong to call it Lenin's Iskra because it was run by a board but the mention of Iskra makes the ordinary man think of Lenin. That paper is recognised as a revolutionary paper under Czarist conditions, when even liberal papers were revolutionary. I met Lenin in London in 1906. I dont suggest that Lenin's views at the time when he attended the conference of the 2nd International though of the leftwing were as extreme as they subsequently became. He was of course always a revolutionary. I have no direct knowledge of the split.

The paper called 'The Communist International' is the official organ of the Communist international; it is printed in 4 languages. I subscribed to the German issue. I think Inprecor which is also published in 4 languages was sent to me gratis by the people who published the Communist International. The Labour Monthly conveys the opinions of a hot communist paper, R. P. Dutt is the editor. I have also met Clemens Dutt but never in a political con-

nection. I have never talked politics with him. His photograph appears on page 4 of Workers Life for 2-2-29, P 300. The Communist Review is the theoretical monthly organ of the Communist Party of Great Britain. I remember the Workers' Weekly. It was the official popular or mass agitational organ of the Communist Party of Great Britain. It went bankrupt. The 'Sunday Worker' was edited by William Paul. Personally he was a Communist. It was not the official organ of the Communist party. Its editorial line was always that of a paper taking an independent leftwing view. I did not intend in my answer to Mr. Sinha to classify it as a Communist paper. I don't think I have ever seen a copy of the 'Worker'. I have met Harry Pollitt. I would not recognise the portrait of H. Pollitt on page 2 of Exh P 520 but I recognise that of Mr Saklatwala on page 3 (Workers' Life dated 1-2-29) I should recognise photograph of Harry Pollitt in passports Exh 2451 and P 2452. I have no personal knowledge about the National Minority Movement, in the same way as I have no knowledge of the Conservative party but I know it exists. I have had nothing to do with it. The foundation of the Labour Research Department by Sidney Webb was in 1912. I knew it still when it moved to Buckingham Palace Road. At some time between 1922 and 1926 I don't know when Mr. G.D.H. Cole was chairman. He is a leftwing member of the Labour party. I knew Mr. R. Page-Arnot personally. He is a Communist and a member of the Communist Party of Great Britain, as I knew personally. R. P. Dutt was for a time connected with the Labour Research Department. I had not noticed that the address of the Labour Research Department after it moved to 162 B. P. Road was the same as that of the Workers Welfare League and the publishers of the Labour Monthly, or of the Young Communist League. I know Enile Burnus who is now a Communist. I did not know that he was Secretary of the Labour Research Department now. He was not so at the time when I was in touch with the Labour Research Department. I know Mr. Bacharach. He is a Communist. I don't recall if he was Treasurer. When I knew the Labour Research Department I know nothing of the insideworking of the department but only that it did useful research work. That was as far as I was concerned with it. I know of existence of the League Against Imperialism but have had no personal touch with it. I don't think I know any of its office bearers. I know Mr. Maxton chairman of the Independent Labour Party. I know he was for a time connected with the League Against Imperialism and left it. The Labour Socialist International considered the question of their relations with the League Against Imperialism and decided to have nothing to do with it. The Labour Socialist International was very annoyed at Mr. Maxton having anything to do with it. I know they issued a press communication in regard to it. I remember receiving the circular of the Labour Socialists

international shown to me Exh P2523 on the subject. I remember that in October 1928 someone was dismissed from Woolwich arsenal for being a communist. I have met M.N. Roy once in 1920 or 1927 in Moscow. He was for a short time a leading spirit in the Communist International, dealing particularly with eastern questions. I recognise him as the standing figure in the top photograph at page 286 of Exh P 833. Mr. Saklatwala is a very strong Communist.

The Anniversary celebration mentioned by me was a social function to which I went at the invitation of the Diplomatic representatives of the Soviet in London. It was scarcely on the same footing as a public meeting to congratulate the Soviet. What I said in the editorial note at page 5 of D 9 is correct, namely that the New Leader had repeatedly drawn attention to the suppression outside the Communist party of all liberty of discussion in Russia.

I think that in my article on Sacco and Vanzetti I put forward the view that miscarriage of justice was an expression of the fear of the employing classes of the agitation which was going on among the workers, and that the incident was an evidence of the actual antagonism between the classes under the present system of society. I actually solicited articles from leading Communists, for my paper. On one occasion I remember that I had given a leading place in the paper to such an article and made no reply to it and in fact wrote a leading article agreeing with it. Apart from this one Communist articles did not very frequently appear in the New Leader. Part of my object in inviting such contributions was to induce a controversy of discussion in the paper. On such occasions there was of course a reply in the paper. I always made it clear if there was a marked clash between the Communist view and the editorial view. I know nothing of Desai accused's writings apart from what came to my notice in my paper. I did not inquire, apart from what I gathered from the letters of introduction he brought to me, with whom he associated. Volunteers: He asked me for introductions in Independent Labour Party circles which I gave him.

I also met Banarjee accused in Court in London, in 1924. I saw much less of him than of Desai. He told me he had been studying in Russia in the Eastern University. He left for India later in that year. He told me he had studied Communism and Communist methods and expressed himself to me as completely disillusioned with them and anxious to study Socialist theory and practice. If he had not so expressed himself on the Communist question I would not have helped him in his study. (Witness pointed out Banarjee accused in Court.) By Court at request of Banarjee accused. I gave Banarjee accused introduction to 3 persons Mr. Graham Pole. The editor of the German paper Forwaerts, and M. Longuet Socialist deputy in the French Chamber of Deputies and grandson of Karl Marx.

Read and admitted correct.

Sd/—R. L. Yorke.

24. 11. 30.

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Saraswati Machine Printing, Press, Meerut U.P. (INDIA.)

## ORDER

26 Accused of this case apply to the court that the hearing should be adjourned for a week to enable them to see the exhibits and the unexhibited portions of the search materials which are said to be necessary for them for the witnesses immediately coming up before the court. So far as I am aware these, that is the English witnesses, have no connection with the unexhibited portions of the articles recovered etc.

Now so far as this application relates to the evidence of other than the English witnesses I do not propose to deal with it at this time. I will give it full consideration later.

As regards the evidence of the English witnesses it is said that the documents put in by them were not made available for examination at all: and reliance is placed on certain remarks made by the Committing Magistrate in regard to the difficulties encountered by the defence and also by himself in examining all the exhibits. The Magistrate particularly dwelt on the difficulty of argument about the admissibility of documents.

Now the position here is different from the position in the Magistrate's court so far as the evidence of the English witnesses is concerned. I find that these witnesses were examined between the 29th October and the 8th November 1929, that is over 3 months ago. A copy of their statements has been available to the accused in the Jail library since as long ago as the 27th November and printed copies of the documents other than books and newspapers had been made available to them even earlier. Comparison of the printed copies with the originals is in the vast majority of cases of little if any value; it may show a few misprints but that is all; in any case after the conclusion of arguments in the lower court the accused were under the order of the Magistrate brought to the court for the purpose of studying exhibits on seven days in December and 8 days in January. I do not know what advantage they took of those opportunities. It is said that only 5 batches of accused at a time at most had an opportunity to see the original exhibits but here again it is not clear what request was made or that dissatisfaction with the adequacy of the arrangements was ever expressed. The Magistrate has, so far as I know, made no mention of any such.

An application was certainly made to this court for the accused to be brought to this court for the purpose of seeing exhibits when the court was not sitting but this court did not consider itself justified in making such order and no further application was made at that stage for any other arrangement to be made. I have since decided to allow a weekly adjournment at the conclusion of



work of Friday so as to make Saturdays available in future for sending original exhibits to the Jail in charge of officials of the court for inspection by the accused, and if necessary I shall grant extra days.

At this stage, however, particularly in view of the urgent practical necessity of the return of the English witnesses to England I do not feel satisfied that a case is made out for ordering an adjournment. The nature of the evidence of the English witnesses also does not seem to be such as to demand it though on listening to the statements of those witnesses and seeing the documents myself I shall bear the point in mind.

Sd. R. L. Yorke

Addl: Sess: Judge.

Meerut

14. 2. 30

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### ORDER

Section 286 (2) C. P. C. simply provides that after opening his case "the prosecutor shall then examine his witnesses." There are no supplementary provisions and I understand this to mean, and that it has been held to mean, that the prosecutor examines his witnesses, they are tendered for cross-examination, re-examined if necessary as allowed by law, and are then free to go. There appear to be only 2 Rulings on the point. In the one case Weir II 382 it was held that the procedure which I am asked to follow was irregular: in the other I. L. R. 41 Calcutta at page 299 it was held that the Sessions Judge might have granted an application made by a Counsel who said he was "not prepared to cross-examine today," on the opening day of a Capital case. The case before me is not a Capital case. Learned Counsel who makes this application appeared in the Lower Court and he and the accused are familiar with the evidence given by the witnesses who are to be produced. The application is really made to enable another Counsel to appear. It does not appear to me that the Court is justified in these circumstances in ordering an irregular procedure. I must therefore disallow this application.

Sd. R. L. Yorke.

12. 2. 30

## ORDER.

Mr. Sinha appearing for accused Joshi objected to the admissibility of 4 documents P. 1235, P. 1289 (6), P. 1961 and P. 1960 deposed to by Inspector Foster as being in handwriting of Shapurji Shaklatwala.

He first raised a question of procedure as to the stage at which the question of admissibility of evidence must be considered. He admitted and the court agreed that such objections have to be disposed of at the time of the production of the evidence or proof of the document in question.

He next argued (1) that general evidence of the existence of a conspiracy must be given before evidence is admissible under section 10 of the Indian Evidence Act. (2) that section 10 of the Indian Evidence Act applies only to a particular class of conspiracy and that the conspiracy contemplated by the portion of section 121 A under which the accused are charged is not included in that class.

I take the second point first. It is discussed carefully by the learned committing Magistrate on page 17 and 18 of the printed copy of his committal order. Speaking generally I agree with his view there expressed as to the applicability of section 10 of the Indian Evidence Act to a case under section 121 A of the specific class which is before this court. The Magistrate's argument can be further supported by a reference to the sidenote in the I.P.C. against section 121 A which describes the section as relating to conspiracy to commit offences punishable by section 121. I am inclined to think that the argument really derives here only from the loose wording of the second part of section 121 A; for depriving the king of the Sovereignty of British India is merely the result of next stage waging war. The essence of the prosecution theory of this case is that there has been a conspiracy to bring about a revolution, e. g. an organized violent overthrow of the existing Government, that is the waging of a successful war against it. Conspiracy to deprive the king of the sovereignty of British India is in fact merely an extension of the offence of conspiring to wage war, and like it must come within the purview of section 10 of the Indian Evidence Act. I am quite satisfied on the general point that s. 10 of the I. E. A. is applicable to the present case.

The first point really relates to the stage at which s. 10 can be made applicable. It is no doubt possible to quote rulings against the lower court's view but on the other hand there are rulings in support of it. The section itself only says that there must be "*reasonable ground* to believe that 2 or more persons have conspired together etc." That may be

shown e. g. by circumstantial evidence. I agree with the learned Magistrate, who discussed the point on pages 15 to 17 of his order, that it is impossible to hold that s. 10 is not applicable until detailed evidence has been given of the existence of a conspiracy. That would mean that every such case must begin with the evidence of an approver. The prosecution in this case disclose and have produced in the lower court all the paraphernalia of a conspiracy, vide P. 16 of the lower court's order; cyphers invisible ink cover addresses and so on. I hold that s. 10 is applicable at initio, though the exact extent of the application of each particular piece, of evidence to an accused other than the one directly affect by it may only be capable of being determined later that is a question rather of the weight of a particular piece of evidence.

The objection put forward on behalf of Joshi accused to this evidence and to the general applicability of s. 10 of the I. E. Act to this case therefore falls.

As regards the objection urged by accused Mirajkar one of these documents is direct evidence in the case against him and the others are so against other accused. I hold them admissible.

(Sd). R. L. YORKE,

13-2-39

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### ORDER.

In their application incorrectly dated January 10th, 1930 actually presented on February 10th the accused asked for 1 week's adjournment before the commencement of oral evidence to enable them to see the exhibited and unexhibited portions of the search materials. I considered that application in my order dated February 11th with reference only to the evidence of the English witnesses and for reasons given in that order I rejected the application, remarking however that I would give it full consideration later, so far as it related to the evidence of witnesses other than the English witnesses. As protest the accused abstained from cross-examining the English witnesses.

Those witnesses have now been disposed of and today Mr. Sinha, who is appearing for P. C. Joshi accused, has after consultation with the accused and I understand from the language used

by him more or less on behalf of all the accused renewed the application for a week's adjournment. I noted down the points urged by him as he put them forward and they were as follows. A weeks adjournment before the examination of witnesses recommences is asked for first in order to allow each accused to see the papers etc. recovered from his possession, that is the unexhibited portion of the search materials. Secondly the accused want a general glance over the whole of the exhibits in order to enable them to decide on their line of defence about which it is said they were unable to come to a decision in the Lower Court. Thirdly he says the prosecution have summoned some 10 witnesses for each day and if only Saturdays are to be given for the inspection of exhibits and particularly if only the one day that is tomorrow is so given now it is more or less impossible for the accused to prepare themselves adequately for the cross-examination of the witnesses.

Mr. Langford James for the Crown opposes the application for an adjournment at this stage and suggests that if the court is inclined to grant an adjournment it might be done at the end of next week as the following week is partially taken up with holidays so that there are in any case very few court days. He urges that the case has already been going on for 8 months and that if the accused have not been able in all that time, to decide on their line of defence one week more is hardly likely to suffice for the purpose. Further he says that with regard to the unexhibited portions all that is to be decided is what there is in them which will help the accused. The search witnesses are produced only or mainly to prove that certain papers or articles were found in a certain place and he is prepared to undertake in regard to next week's witnesses and may be able to do so in regard to all such witnesses, that, even if the defence are not able now to put to those witnesses documents found in the searches in connection with which they are called, he will be prepared to admit with reference to anything mentioned in a search list that it was found in the place where according to the search list it was found Mr. Sinha does not appear to consider that this offer goes enough as apparently he wants to be able to cross-examine the prosecution witnesses with reference to such things or documents how, it is not clear. He argues that the accused were in the Lower Court justified in hoping against hope that they would never even have to decide on a line of defence, and indeed were unable to do so until they saw the full extent of the prosecution case. In any case he says each accused will have an individual defence and implies that it is a work of some magnitude to work not the individual defence and of so many accused.

I have not so far been able myself to see more than a small fraction of the exhibits and I am not yet in a position with reference to the documents recovered at searches in India to say how

far a study of the original as a part from the printed copies is necessary for purposes of cross-examination particularly of witnesses of the search witnesses type. I am indeed inclined to doubt the necessity except in a very few cases with which Mr. Sinha having appeared in the Lower Court throughout should be already acquainted. But I am decidedly impressed with the consideration that a long postponement at this stage during which accused and their Counsel may devote themselves wholeheartedly to working up their case not only would be in the interests of the accused themselves but might also enable the trial to go forward with less difficulty at a later stage. For this reason I have decided to allow the accused's application for an adjournment now.

The question remains how long that adjournment should be for. It has already been decided to reserve Saturdays in future for the inspection of exhibits in the jail. There are no holidays next week but in the following week Wednesday, Thursday and Friday are holidays and Saturday would be an exhibit day: there are therefore only 2 working days. Monday March 3rd is also a holiday. I do not think it is worth while recalling the assessors for the 2 days February 24 and 25 and I propose therefore to include them in this adjournment. The further hearing of this case will therefore be adjourned up to and including the 3rd March and will recommence on Tuesday the 4th March.

(Sd.) R. L. YORKE

14-2-30.

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### ORDER

In moving this application for copies of the ~~statements~~ <sup>statements</sup> of ~~press~~ witnesses contained in the special Diaries Mr. Sinha has relied on sections 155 (2) and 162 of the C. P. C. He urges that in the Lower Court the defence asked the prosecution to say whether there had been an investigation under ch. XIV C. P. C. but elicited no reply. Looking over the applications to the Lower Court dated 22. 7. 29 and 26. 7. 29 it appears to me that the defence then failed to press the matter before that court in the proper manner; they were not entitled to ask the prosecution for the information sought but could have obtained it by pressing the application for copies in the usual way.

The reply of the prosecution here is that the investigation was ordered under section 196B C. P. C which is in ch. XV of the Code. (The original order has been shown to me). Section 155 (2) has no reference to such an investigation. The passing of an order under section 196 B gives the powers under section 155(3) but does not bring ch. XIV into operation. There was in fact no investigation under ch. XIV. There is no police diary and there are no statements of witnesses recorded in the course of the investigation under ch. XV. It follows that section 162 has no application on the one hand, and on the other copies cannot be given when no originals exist. The defence are of course strictly speaking only entitled to ask for the copy of the statement of each witness when he is called but in the circumstances this general order will cover the whole question. The application fails for the reasons given above.

Sd. R. L. Yorke

6. 3. 30

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### ORDER

S. A. Dange accused objects to the admission in evidence of 2 books ( 1 ) Stalin's " Leninism " and ( 2 ) The Mind and Face of Bolshevism, by Rene Fulp Muller recovered in the search of the premises of the Bengal Jute Workers Association at 97 Cornwallis St. Calcutta. He argues that those books are not written by any party to the case, not issued by an organization mentioned as a party, and that not all of their contents is relevant to the case. He thus impliedly admits that part of the contents is relevant.

For the Crown reliance has been placed on the "Powder Puff case", an English case, and several subsequent cases in which that case was referred to, and also on some Indian rulings.

In the Powder Puff case it was held that the fact that a person is in possession of the means by which certain crimes are usually committed is relevant to prove that he was the person who committed a particular crime of that kind. The general principle is that you can not prove general conduct or likelihood but only conduct etc. special to the issue i. e., when the charge is of joining a particular conspiracy having a particular object e. g. violent

revolution, the possession of books which deal among other things with that particular kind of conspiracy and its object is relevant, as showing you did actually participate, and not merely that you were a person likely to participate. This is on the lines of section 8 of the Indian Evidence Act.

The case reported in 15 Calcutta Law Journal at page 517 following and especially at page 591/2 is also in point here. That is, the presence of books relating to Bolshevism in the office of a Jute Workers Association is a piece of evidence which in connection with other facts makes probable the existence of the fact that some official or member of that association was a participator in a communist conspiracy. I over-rule the objection.

Sd. R. L. Yorke

6/12. 3. 30

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### ORDER

S. A. Dange accused objects to the admission of evidence of Exhs P. 283 and P. 284 on the ground that nothing contained in either of them is in issue in the case or relevant to any point in issue. In his reply to the arguments of Crown Counsel he urged in regard to P. 283 that it was not an issue in the case whether Trade Unions were legally organized, and regard to P. 284 that it had nothing to do with the conspiracy.

Exh. P. 283 is a Register of proceedings of the Bengal Jute Workers Association, Bhatpara and shows that accused S. N. Banerji, G. Chakravarty and D. K. Goswami were members of that Association. They were also it is alleged members of the Workers and Peasants Party of Bengal. It is part of the prosecution case that that party organized unions or inserted fractions in such unions as part of the plan of the conspiracy; and this is a piece of evidence bearing on that point. It is therefore clearly relevant to the charge-section 6 of the Indian Evidence Act covers the case.

Exh. P. 284 is an essay or thesis, alleged to be in the handwriting of G. Chakravarty accused. It is a more or less clear statement of Communist views, that is of the views which emanate from Moscow and even through all communist writings. It is obviously evidence of the writer's state of mind on this particular

subject and a piece of evidence admissible against him under section 14 of the Indian Evidence Act.

Sd. R. L. Yorke

11/17. 3. 30

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### ORDER

Nimbkar accused objects to the admission in evidence of Exh. P. 511 on the ground that it is not a publication of a co-conspirator and is not relevant to the case. I have looked through the book and find it to be a publication of co-conspirator the Labour Research Department. Roughly half the book consists of an article by A. Lozovsky another co-conspirator dealing with the development of Trade Unions in Russia, their activities before during and after the Revolution of 1917 and their present position. It is to some extent a study of the relations between Trade Unions and Communism of the Communist State of Russia. It is an article which is obviously interesting in the 1st place to a person interested in the study of the Communist development of Trade Unions, and the fact of its possession by the Workers and Peasants Party and the accused concerned therewith is like the possessions of Stalin's Lenin and Similar Communist literature a piece of evidence clearly admissible under section 11 of the Indian Evidence Act. Some parts of its contents are also more directly relevant to the case.

Sd. R. L. Yorke,

26. 3. 30

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### ORDER

The objection to the admissibility under section 10 Indian Evidence Act of Exh P. 416 (2) is apparently based on a misunderstanding. There is nothing in Sirkar's law of Evidence to show at what point the quotation begins, and the passage relied upon



seems to me to be in reference to the English Law on the point, Cunningham's Evidence is not available but frequent references to it are also made in Woodroffe and Ameer Ali and Law of Evidence in British India, and specifically on this point when the exact contrary of the proposition stated in the alleged quotation is laid down. (Vide page 156 the middle). Section 10 of the Act lays down nothing of the kind suggested and nothing of that can in my opinion be laid into it. The document appears to me to be admissible and the objection is therefore disallowed.

Sd. R. L. Yorke

26. 3. 30

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ORDER

Adhikari accused objects to the admission in evidence of P. 506 a life of Lenin by one Marx said to be a bourgeois writer; on the ground that is not written or published by a conspirator or deal with matters relevant to the case. The prosn contend that possession by the accd of literature dealing with Bolshevism from any point of view is relevant as showing the accsed's interest in that subject. A life of Lenin shows an interest in one of Bolshevism and leading exponents. It appears to me that this book is a piece of evidence admissible under section 11 of the I. E. Act.

Ajudhia Pd. accused objects to the admission in evidence of P. 396 and P. 414 on the ground that each is not either a primary or secondary evidence of the original message. In the case of P. 414 there can be no force of any kind in the argument as the original message P. 2197 will also be proved and P. 414 simply proves the receipt of the message sent. It may also be admissible on other grounds. As regards P. 396 the court can no doubt make no presumption in regard to the sender but reading this document with others the court may be able to draw the inference that it was sent as it appears to have been by Dange accd. But its possession by Muzaffar Ahmad accd saddles him with knowledge of its contents and there is I believe evidence that the instructions contained in it was acted upon. It appears therefore to be clearly admissible in evidence.

Sd. R. L. Yorke

27. 3. 30

## ORDER

Nimbkar accused objects to the admissibility of P. 521 and P. 522. The former he argues is by an unknown author and publisher; there is no proof of authenticity and it has nothing to do with this case. The latter he says is an unnecessary piece of evidence and is published in America by some one who is not a co-conspirator.

P. 521 is piece of communist or veiled communist propaganda and is obviously admissible in evidence against the persons in whose possession it was found.

P. 522 consists of 2 copies of an American publication the "New Masses". It is in the main a communist publication and the fact of its possession by the accused concerned is a piece of evidence admissible against the accused under section II of the Indian Evidence Act.

Sd. R. L. Yorke

27. 3. 30

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## RUNNING NOTE OF

*Questions over-ruled, and objections over-ruled.*

(1) A question by Dange accused in regard to rates of wages at Bhatpara was over-ruled on the ground of irrelevance. The object of these questions was apparently to show the genuineness of strikes. The court held that an inquiry into rates of wages in different places would not enable the court to decide on that point, and though it might have *some* connection with the matters in issue, the connection was too distant to come within the scope of any of the relevancy sections of the Evidence Act.

(2) Mr. Sinha for P. C. Joshi objected to the statements made, that is things said, by Mitra accused and Spratt accused before and during the Chengail strike of April 1928 being admitted in evidence as deposed to by Sub. Inspector Ashutosh Mahapater, on the ground that it was not an issue in the case whether accused took part in Trade Union activities, the issue being whether the Trade Unions were exploited for Communist purposes. It appears to me that the participation of the accused in Trade Unions activi-

ties and what they said in so participating is matter directly in issue in the case. The objection is therefore over-ruled.

(3) Mr. Sinha further objected to the evidence of strikers moving about with lathis on 2 occasions in the course of this strike on the ground that these strikers were not conspirators, and their actions not relevant to the case. It appears to me that things which happened in a strike in which some of the accused were taking part, whether actions of accused or others, are prima facie relevant under sections 6 and 7 of the Indian Evidence Act. (Note: In connection with points (2) and (3) it may be noted that the injunction to any one not to do a particular thing is a well-known method of suggestion).

(4) Ajudhia Pd. accused objected to the admission of P. 363, P. 366, P. 368 to P. 372, P. 374 and P. 375 on the ground that they could be evidence only against the person in whose possession they were found. These documents were found in an office with which some of the accused were intimately connected, and which was in fact dominated by them. They are clearly admissible against those accused. Some of them are also publications of the Workers and Peasants' Party of Bengal and evidence against those accused who are members of that party.

(5) The same accused objected to the admission of P. 467 (5) and P. 468 (4). The former is a Draft Resolution against war and accused urges that it can have no bearing on a charge closely connected with the waging of war. But it is a part of the prosecution case that one of the 'Moscow' ideas which frequently appears is the idea that other countries, i. e. the capitalist countries are encircling the U. S. S. R. and mean to wage war against the U. S. S. R. This resolution is a piece of direct evidence showing the acceptance by some of the accused of one of the Moscow ideas, and their interest in the U. S. S. R. P. 468 (4) is or purports to be a list of delegates for the A. I. W. P. P. conference sent by the Young Comrades League to the Secretary of the conference. It urged that it is the statement of a 3rd Party( N.S. Gupta ) and not binding on the accused and that is not relevant to the case. It seems to me to be clearly relevant as showing the close connection between the Young Comrades League and the Workers and Peasants Parties. The real question is whether there is other evidence from which its genuineness can be inferred, so as to justify the Court in accepting it as evidence in support of that connection I think there is, on the face of it. Accused Spratt is or will be shown by other evidence to have been the very person who started this League, as a recruiting ground for the Communist party. There is evidence showing he intended to plant Communist fractions in it. In another search there was found a letter from D.K. Goswami

accused, himself then guiding spirit of the League, asking this League to send delegates to the conference and this is the reply to that invitation. This letter contains Spratt's own name and is found in his possession. If it was not genuine why did he retain it? This paper therefore seems to me admissible from all points of view and among other things proves 3 accused Spratt, Chakravarty and Goswami to have been members of the Young Comrades League.

(6) Adhikari objects to the relevancy of Marx book "Capital" on the ground that it is a standard book of reference on one economic theory. That does not appear to me to make its possession by the Bengal Workers and Peasants Party irrelevant. Dange accused argues that the prosecution case turns on Leninism and not on Marxism and therefore this book is irrelevant. He relies on Mr. Langford James' remark on page 9 of the opening address in the lower court. There is however no suggestion in those remarks that books setting forth the old testament of communist theory have become obsolete, or would be irrelevant to the prosecution case even if they had become so. As in the case of Stalin's Lenin and many other books indicating a close interest in and study of communist theory the possession of this book by the Bengal Workers and Peasants Party seems to me to be a piece of evidence admissible against the accused concerned.

(7) Nimbkar accused argues that Leon Trozky's "The Real situation in Russia" recovered in the search of 2/1 European Asylum Lane Calcutta is not relevant as Trozky was not in power during the period of the alleged conspiracy and was in 1927 expelled from the Communist Party of Russia. The prosecution reply that the book is a criticism of the Communist International or Comintern by an accepted authority on Bolshevism and is therefore relevant as showing the interest of the accused concerned in the Comintern. I agree with the prosecution contention that the possession of this book is a piece of evidence relevant to show that the accused concerned did actually participate in the alleged conspiracy.

(8) Muzaffar Ahmad accused objects to the admissibility of "The Soviet Constitution" P. 509 on the ground that the U.S.S.R. is not an accused or co-conspirator. This book however describes the constitution of the only existing Communist Government, and thus a stage in the development of Communist theory. It contains some evidence bearing directly on the case, that is with reference to the Bolshevist badge, and is in any case admissible under section 11 on the same grounds as numerous books relating to Bolshevist or Communist matters the possession of which proves the accused's interest in such matters and thereby supports their alleged connection with conspiracy.

(c) Dange accused objects to the admissibility of his own book P. 507 " Gandhi & Lenin " on the ground first that it was written in 1921, and is not evidence against him in regard to activities in 1925 and succeeding years and secondly that it was used in evidence against him. Usmani and Muzaffar Ahmad accused in the Cawnpore case in 1924 and cannot be used again against those accused. Prima facie I am inclined to agree that the contents of this book cannot be used again against those 3 accused but the point is almost academic as the recovery of this book in the possession of the Bengal W and P Party is clearly evidence admissible against all accused connected with that party other than the 3 mentioned, and may by the application of section 10 of the Indian Evidence Act also have a bearing on the cases of those accused. It may also be evidence under section 11 against those 3 accused also: for the fact that the book was used as evidence against those accused in the 1924 case cannot so far as I can see make its possession by them now innocent. The tendency would seem to be quite the opposite.

Sd. R. L. Yorke,

4. 4. 30

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#### ORDER.

Mr. Sinha on behalf of Joshi and others has objected to the statement of S. I. D. N. Roy P. W. 49 who is describing a meeting at which Muzaffar Ahmad and Spratt accused were present said that Muzaffar Ahmad accused introduced Spratt as a member of the Communist Party of Great Britain. The objection is based on section 25 and section 30 of the Indian Evidence Act and the first question therefore is whether this statement by Muzaffar Ahmad can be described as a confession. I think not. It is a statement made when neither Muzaffar Ahmad nor Spratt was charged with any offence and when the statement made could not be regarded as saddling either of them with any criminal liability. The next question is what the true character of this statement is. Referring to the definition of admission in S. 18 I. E. A. I find that statements made by a party to the proceeding or by an agent to any such party whom the court regards under the circumstances of the case as expressly or impliedly authorized by him to make them are admissions. This statement seems to me to be one

which Muzaffar Ahmad could not have made unless he was authorized by Spratt to make it or unless Spratt had supplied him with the information, and therefore to be an admission on the part of Spratt made by Muzaffar Ahmad who was to that extent his agent and at any rate impliedly authorized to make that statement on his behalf. It is therefore clearly admissible as evidence of the fact that Spratt accused was at that time a member of the Communist Party of Great Britain.

Sd. R. L. Yorke

Add: Sess: Judge.

394. 30.

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#### ORDER.

In the course of the evidence of P. W. 35 Reporter Raihan Ahmad, Mr. Sinha on behalf of a number of accused objected to the transcription of the shorthand notes of a speech of Shamsulhuda accused reported by the witness and similar shorthand notes of other speeches being admitted in evidence. He subsequently objects to the shorthand originals being put in also. The objection was based on Sections 59 & 60 of the Indian Evidence Act. He argued that what was sought to be proved was the actual words used by a certain speaker on a certain occasion and that as those are things heard they can only be proved by the oral evidence of the person who heard them. He referred the Court to the ruling reported in 4 C.W. N. 129 ( at p. 143 ) and to a passage on p. 5 of the 14th Edition of Roscoe Evidence. The point is said to have been raised but was apparently never discussed in the Lower Court. All accused associate themselves with this objection.

For the Crown reference was made to Sections 159 & 160 of the Indian Evidence Act and to the ruling reported in I. L. R. 32 Madras, p. 384 ( at p. 395 ): In effect the objection is based on the supposition that the witness and other witnesses of the kind, whose business in life it is to report speeches and who often report a considerable number in a single day, are asked to refresh their memory by reference to their shorthand notes. This is not the fact. Such witnesses as a rule can not, apart from their notes, have any recollection of any thing more than that a certain person

made a speech, if they have as much. By reading their verbatim notes they do not really refresh their memory as even after reading they can not be said to recollect. They are asked only by seeing their notes to say if they made those notes, and can say that they are a true record. The notes then become admissible under section 160 I. E. A. The ruling quoted supports this view. In reply Mr. Sinha objected that the portion of the ruling relied on was an "obiter dictum." I have read the ruling carefully and do not accede to that contention. The Hon'ble Judge of the High Court proceeded to hold the notes discussed in that case in admissible on the ground that they did not fall within the application of the principle enunciated by him. It appears to me that the original shorthand notes come clearly within the scope of S. 160 of the Indian Evidence Act. The witness testifies to facts mentioned in such a document as is mentioned in S. 159 i. e. a document which might have been used for the purpose of refreshing memory, being a writing made by himself at the time of the transaction. He says he is sure the facts are correctly recorded in the document, and it is therefore the document which becomes evidence, being substituted for his recollection because he has no specific recollection. I may here refer to Woodroffe and Ameer Ali. Law of Evidence applicable to British India 8th Edition p. 991, the middle.

The question of the admissibility of the copies is on a slightly different footing. Mr. Sinha refers to a ruling reported in A. J. L. Reporter 1926 Calcutta p. 988 at p. 990. The ruling seems to me not to be to the point. Such rulings as there are in regard to the admissibility of copies u/s 160 Indian Evidence Act are not unanimous on the point. Mr. Sinha argues that a copy in this connection ( I treat a transcription of shorthand notes as being a copy ) is only admissible if it itself complies with the conditions laid down in para 1 of S. 159 i. e. if it was made at the time of the transaction or so soon afterwards etc. etc. But para 3 of S. 159 lays down no such conditions in regard to a copy of any document referred to in paras 1 & 2. On the other hand it provides that there must be sufficient reason for the non-production of the original. In the Lower Court it seems to have been thought that unintelligibility was a sufficient reason for non-production. I do not agree and have, therefore, had the originals, which were present in the Lower Court also I understand, put on the record. This would however prima facie render sections 159 and 160 unserviceable for the purpose of admitting the copies.

The position here then is that we have on the record original documents admitted under section 160 which are unintelligible to the court and the assessors and also probably to the prosecution and the accused. Evidence may be given to show

their meaning under section 98 of the Indian Evidence Act. The evidence of the witness here is that about 1 year ago, and about one year after he took the notes in question, he received orders to transcribe those shorthand notes and did so and P. 1935, P. 1936 P. 1937 and P. 1938 are the transcriptions he then made. It appears from his evidence that he could get no help in transcribing those notes then from his memory and can not do so now, and as shorthand notes in pencil, as these are, become defaced to some extent by lapse of time and handling of the note book he can not make as complete a transcription now as he did then. Experiment in court showed that there would be more gaps and other differences. The inference is that the copy made one year ago that is the first transcription ever made by the witness of those notes, is the best possible evidence to show the meaning of those notes. Against admitting them Mr. Sinha relies on a Scotch case quoted in Taylor on evidence 11th Edition volume II at page 960 ( paragraph 1406 ) The ruling is certainly not binding on this court and I am inclined to think that a study of the complete report of the case ( which of course is not available here ) would show that there were excellent reasons special to that case for refusing to allow the witness to refer to the copy of the illegible document in question. The witness in the present case might I think clearly have been asked under section 98 to make a transcription of his notes now for the benefit of the court either orally or in writing. But it is clear that an attempt to transcribe the notes orally now would take a very long time and an attempt to do so whether orally or in writing after this great lapse of time would introduce a large element of doubt and error into the interpretation. In these circumstances I think the witness' statement proving the transcriptions made a year ago is along with those transcriptions themselves clearly admissible and the best evidence available to prove what was said. I therefore over-rule the objections and direct that both the original notes and their transcriptions be admitted in evidence and brought upon the record.

Sd. R. L. Yorke,

Addl. Sess. Judge

8/4/30



## ORDER.

Mr. Sinha objects to the admission of oral evidence given by P. W. 36 Sub Inspector G. B. Roy as to the slogans printed on banners exhibited at the Simon Boycott Demonstration at the Auchterlony Monument on 19.1.1928. He relies on section 3 of the Indian Evidence Act for the proposition that those flags were documents, and urges that in the absence of necessary steps by way of notice having been taken this oral evidence, being secondary evidence of the contents of a document, is not admissible. There does not appear to be any Indian case bearing on the point, which is not discussed in connection with the definition of document in section 3 in any commentary which I have seen. The prosecution relies on the English ruling quoted on page 501 of Woodroffe and Ameer Ali's law of evidence applicable to British India, 8th Edition, R. V. Hunt [106 English Reports page 768 at page 771/2]. In that case the view taken was that inscriptions on flags and placards exhibited to public view and of which the effect depends upon such exhibition bear the character rather of speeches than of writing and are not subject to the rules relating to documents. Mr. Sinha argues that this ruling is not applicable in the face of the definition in section 3 of the I. E. A. and the illustrations particularly illustration 4 accompanying the definition of document. This argument however omits to take into consideration the wording of that definition as a whole. I take that definition read with the illustrations to mean that the purpose of a document is to record a matter. When the purpose of a writing as in the case quoted and in the present case is not to record a matter but to serve the purpose of speech, in fact what in modern parlance might be called broadcast speech, it cannot be called a document. The definition in section 3 does not cover such a case and the rules in regard to secondary evidence do not apply. This is clearly brought out in the 2nd ruling quoted by Mr. Sinha namely that reported in 152 English Reports at page 286 Jones vs Tarleton where it was sought unsuccessfully to extend the principle of R vs Hunt to documents which were actual record of contract or of a similar nature.

Mr. Sinha in his reply shifted his ground somewhat and argued that even if oral evidence of the wording of the slogans were technically admissible, evidence in regard to those slogans could be relevant only to the general character and intention of the meeting which was not in issue in the present case. It appears to me that as some of the accused were prominent participators in this meeting, made speeches and might be inferred to be its organizers they cannot but be regarded as having a share in responsibility for those banners the wording of which is therefore a piece of evidence

casting some light upon the nature of their public activities,

The objection is accordingly over-ruled.

(Sd.) R. L. YORKE

Addl. Sess. Judge.

.FI-4-30

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ORDER.

On behalf of a number of accused Mr. Sinha has objected to the admission of copies photographic, typed and manuscript of letters intercepted by P. W. 36 S. I. G. B. Roy and reported by him after taking copies in one of those ways. He takes Exh. P. 2012 P as an example for the purpose of argument.

Briefly stated his objection is that secondary evidence of a document is not admissible unless the conditions which permit its introduction are satisfied, which he urges is not the case here. He refers to section 64, to clause (a) of section 65 and to section 66 of the Indian Evidence Act. The point was taken in the Lower Court and disposed of there in the Magistrate's order which follows the English record of the statement of P. W. 117 (pp 50 and 51 of that volume). The point can of course be taken again in this court.

In his original argument Mr. Sinha devoted himself to one point only namely whether the notice given was reasonable: he argued that it should be specific by which I understand him to mean that every document or letter should have been indicated separately and he urged strongly that the notice could not be regarded, as it was by the Magistrate, as a mere formality. The notice actually served on the accused has been seen by me: it requires the accused to produce all letters or other documents received by them from any one of the persons jointly accused with them or from any of the bodies or persons named (as co-conspirator) in the list filed in court by Special Public Prosecutor on 1-8-29. The position as the Magistrate remarked was that the ordinary residences of the accused and their offices, the 2 places in which they would ordinarily keep letters and documents received by them, had been searched. The accused were at the time of receiving notice in jail custody and could not be in possession of any such letters themselves. The only ordinary alternatives were that the original letters [which having been reposed must be presumed to have reached their destinations] had been kept with friends or relatives or had been lost or destroyed. In-

the circumstances the Magistrate I think rightly considered the serving of a notice to produce documents not found already to be almost a formality. Now in regard to the sufficiency of notice, that is clearly a question to be decided on the merits of each case, more especially as no specific form of notice is prescribed by law in criminal cases. The object of the notice is to make the person served with it understand what document or type of document he is required to produce; and the commentaries show that notices of very varying degrees of exactitude on the one hand and generality on the other have been held good. The prosecution urge that the notice given was sufficient in the circumstances of this case and that in any case proviso [2] to section 66 applies and that the court may dispense with notice because from the nature of the case the accused must know that they will be required to produce such documents. I am inclined to doubt [as the Magistrate did] if this could be argued to have been the case in the lower court, but in this court after production of secondary evidence in the lower court the accused can be under no misapprehension as to what original letters or documents they have been required to produce. Even if the original notice had been inadequate, and I do not think it was, the accused have since had what appears to me to be constructive notice of the most explicit kind. If there could have been any ambiguity originally there is certainly none now. I must therefore hold that the accused have had sufficient notice. They have made no attempt to produce the original documents and secondary evidence is therefore clearly admissible.

In making his reply to the prosecution argument Mr. Sinha put forward an entirely fresh plea never taken in the lower court or apparently ever thought of until that moment. He argued that the notices actually served on the accused were signed by the Magistrate and did not contain any words showing them to be notices given by the prosecution. He argued that they were therefore notices given by the court and by the prosecution. This is an objection which should have been taken in the lower court. The question of the sufficiency of the notices was argued there at length on August 1929 and came up again on September 21, 1929 (of paper No. 2230/32) when the Magistrate noted that an objection then raised in regard to service of the notices was waived but that the original objection to the sufficiency of the notices was not waived. After these 2 sets of arguments the accused have no longer any locus standi to argue that they did not understand those notices to be notices given by the prosecution. The omission of words ~~by the~~ "by the prosecution" in the notices is to my mind a purely verbal omission which in the circumstances cannot benefit the accused. Mr. Sinha relied on the ruling reported in 115 English Reports at page 433 (435). The circumstances of that

case however do not appear to me to be parallel. The procedure there was of a very different nature. Moreover it was not a case apparently in which notice could be dispensed with if the court thought fit, whereas at the present stage of *this* case, in view of all that has gone before and the fact that the notices actually served have clearly never been regarded by either side as or felt to be defective in the manner suggested, I would certainly hold it to be a case in which under section 60 I. E. A. notice could now be dispensed with.

I may also note 2 further points. First, the application to the Magistrate (paper No. 1821 (a) ) with which the prosecution sent to him the actual notices to be served on the accused mentioned that "oral notice to this effect (i. e. to the effect set forth in the notices) has already been given in open court." The correctness of this allegation has been questioned here but it does not appear to have been questioned in the Lower Court and in the circumstances it is a sufficient answer to the argument that the notices could only be regarded as notices given by the court and not by the prosecution. Secondly in spite of the omission of the words "by the prosecution" the nature of the notices is clearly indicated in those notices, for they are headed "Notice under section 66 of the Indian Evidence Act, King Emperor vs P. Spratt and others." The fact that they were signed by the court could not deceive accused into thinking they were notices of some other kind of which they need not take any heed. Considering this objection also in all its aspects I find no force in it.

(Sd). R. L. YORKE,

Addl: Sess: Judge.

14-4-30

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### ORDER.

Mr. Sinha for Joshi and others objects to the admission in evidence of copies made during interception in the post of letters which were subsequently reposted, delivered to the addresses and recovered from him in original at the time of search. The prosecution as I understand desire to put in these copies for 2 purposes, first to prove by examples the working of the system of interception, and the accuracy of the copying of letters intercepted, and secondly

to prove that some letters said to have been reposted were actually so reposted and thus to induce an inference that other letters said to have been similarly reposted but which were not recovered with the addressees were actually reposted and reached the addressees and so to rebut the anticipated allegation that these copies are mere forgeries. Mr. Sinha urges that section 5 of the Indian Evidence Act excludes all evidence which cannot be brought within the purview of the other relevancy sections.

He further urges that the prosecution's attempt to rely on section 15 and to argue that this is a case of proving that an act formed part of a series of similar occurrences cannot succeed since that section relates only to acts of parties. Such rulings as have been shown to me certainly support that view. In regard to the specific acts in question here he argues that the acts of copying must be judged by themselves; to show that some documents were copied accurately would not prove others to have been so and to prove that some letters said to have been reposted were actually reposted would not prove that others were reposted. The Evidence Act does not in fact provide for the working of a system being proved by evidence of this kind. Mr. Sinha also thinks there is a danger of the assessors regarding the copies as corroborating the originals. It appears to me that the defence objection is sound and must succeed. So far as I can see at present these copies can be used only for the purpose of enabling a witness by refreshing his memory in regard to the date of interception to prove the approximate date of such original letters recovered in search as bear no date and have been previously intercepted. I uphold the objection accordingly.

Sd. R. L. Yorke.

Addl. Sess: Judge

16/4/30

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#### ORDER.

On March 5, 1930, 23 accused including P. C. Joshi moved the court by an undated petition requesting that the Court should resummon prosecution witnesses No. 1 to 8, that is the witnesses from England, or order the prosecution to bring them before the Court again to enable the defence to cross-examine those witnesses "with a view to elicit certain very important and relevant facts."

Argument of this application was postponed until the return of Mr. Sinha, Joshi's Counsel, who was away at that time and who after his return showed no great keenness to argue the application but finally suggested Thursday April 10 for that purpose. There are 2 main aspects of this matter, first the technical aspect and secondly the merits of the application, which fall into 2 parts, namely one the facts and previous orders relating to the opportunity which the accused had in February last of cross-examining these witnesses, and two the grounds now suggested for the recalling of the witnesses.

The technical aspect does not require much elaboration. 27 of the accused had by their application dated 10. 2. 30 (incorrectly dated 10. 1. 30) asked for a week's adjournment before the production of these witnesses on the ground that they had no sufficient opportunity to see the exhibits and unexhibited search materials and wanted the adjournment to enable them to see the exhibited and unexhibited portions which are necessary for us for the witnesses immediately coming up before the court." That application was disallowed by me in my order of February 11, whereupon the same accused on February 12 filed an application stating that as a protest against my rejection of their petition they would refrain from cross-examination of all the witnesses from England. The prosecution then proceeded to produce and examine those witnesses and submit them for cross-examination. The examination of the witnesses, explanation of the documents proved by them etc., took 4 days, during part of which Mr. Sinha was himself present, and concluded on February 14. The accused did not take any steps to move the High Court in regard to my order of February 12 as they could have done, but contented themselves with the "gesture" to which I have alluded above. The only power which this court has to recall a witness appears to be under section 540 of the Code of Criminal Procedure but as the Code only extends to British India that power does not come into operation unless and until the witness whom it is proposed to recall is actually in British India. The Court has I think no power to issue summons to a person in a foreign country; if it does do so it has certainly no power to order any one to serve the summons and no power to punish any one for non-obedience in case any authority is so kind as to serve such a summons. On technical grounds therefore this application so far as it is an application to the Court to resummon these witnesses must fail.

The alternative request made in the application is that the Court may order the prosecution to bring these witnesses before the court again. When translated into argument this request was modified into a request that the court would pass an order express-

ing the opinion that it was the duty of the prosecution so to do. This request might in the light of my order of 12th February be described as rather a naive request to the court to say that the views expressed in its former order were unsound. However I propose to deal with the request seriously on the merits. I must however remark that such an order would not be an order at all and for this reason learned Counsel has had to refer me to what he calls the inherent power of the court to pass any order it may think fit to pass.

It is of course a fact as stated in para 1 of the present application that between the date of the signing of the Committal Order by the Magistrate and the date of the opening of the trial in this Court the accused had no opportunity of seeing the documentary evidence and unexhibited search materials (vide my order of 11th Feby). They had however had very considerable opportunities of so doing during the protracted inquiry in the Lower Court and particularly on 15 days between the end of the arguments and the passing of the Lower Court's order. It is of course not in my knowledge what use they made of those opportunities. It is also a fact as stated in para 2 that accused did move this Court for an adjournment before the commencement of evidence but that paragraph further alleges that the application was for them to be given an opportunity to examine the records and "to settle their line of defence." This is incorrect. The original application made no mention of "settling the line of defence", and, as learned Counsel for the Crown has observed more than once, it is incredible that nearly a month after the pronouncing of the Committal Order the accused had not yet decided on their line of defence. Going on to para 4 it is said that the accused naturally expected that the English witnesses, who, they now suggest, are the most important witnesses in this case and whose evidence was taken in the Lower Court almost at the end of the inquiry, would be taken in the same turn in the Sessions Court. It is not stated why they should have expected this: they knew these witnesses were police and other officers sent out from England and spared temporarily from their official duties. It was natural to suppose that they would be put up by the prosecution at the earliest opportunity so as to enable them to return to their duties in England. Moreover the accused did not in their application of February 10 suggest as they now do in para 5 of the present application that they had been taken by surprise. The inference is that they were not taken by surprise at all. As to the accused having been unable to study in original the particular documents proved by the English witnesses a large number of these are documents requiring little study for the purpose of cross-examination and there is no question of any unexhibited portion of search materials in their case. One of these witnesses Inspector Foster was cross-examined at great length in the Lower

Court in spite of the alleged fact that no line of defence had been settled. The total number of exhibits proved by the English witnesses is only 216 out of a total of approximately 3000 exhibits filed by the prosecution. I dealt with this aspect of the matter at some length in my order of February 12 and concluded that there was no justification for an adjournment at that stage. I see no reason whatever to revise that opinion now. The adjournment which I gave subsequently was at the commencement of one of the largest groups of evidence in the case including numerous searches of houses and offices in which a very large number of documents and books was seized, evidence of speeches reported letters intercepted and so on. It stands on an entirely different footing from the evidence of the tiny group of 8 English witnesses 2 of whom I may remark were photographers and one a passport officer. In this connection I find it stated in the protest petition of February 12 that the claim for adjournment i. e. the application of February 10 was based on the fact that none of the accused had examined any of the original exhibits which were put in by these, that is the English, witnesses. This refers to the allegation in para 2 of that application which runs as follows: "the documents put in by the English witnesses especially were not made available for examination at all." Bradley accused has repeated that allegation during the argument on this application, but bearing in mind that the copies of these exhibits were given to the accused on November 22, 1929 there can have been nothing to prevent the originals being made available for inspection at any time between then and the date of the committal order. If they were not so inspected it is probably because they were not asked for. As to the suggestion in para 6 of the application and Mr. Sinha's argument that the wording of my order of February 14 allowing the long adjournment which followed by implication supports the present application, I need only say that I find nothing in it which can serve that purpose.

So much for the merits of the application viewed in the light of what has gone before. In my view the accused had ample opportunity of being prepared to cross-examine the English witnesses. In any case when this court refused to grant an adjournment they could have moved the High Court against the order of this Court, but preferred instead to file their so called protest application.

I turn next to the other aspect of the merits of this application, namely the grounds now suggested for the recalling of these witnesses, that is the reasons why the applicants now consider it necessary for them to have an opportunity to cross-examine those witnesses. These grounds are stated in para 7 and in the prayer contained in the last paragraph of the present application Para 7



states that "the petitioners now realize and are advised in this respect that in certain very material aspects of the case the cross-examination of these witnesses would have thrown a flood of light and that these witnesses were in a position to depose the certain very important issues and facts which no other witness can place before the court," and in the prayer their recall is asked "so that certain very important and relevant facts, which these witnesses only can depose to, may be brought to light in their cross-examination." The application is entirely silent as to the nature of the material aspects of the case in which the cross-examination of these witnesses would have thrown a flood of light, and the important and relevant issues and facts to which those witnesses only can depose. I looked for enlightenment in this respect from the arguments of the Learned Counsel for the accused Mr. Sinha but possibly through fear of disclosing the accused's proposed line of defence Mr. Sinha wrapped up his meaning in such ambiguous language that I am still not at all clear whether I have understood correctly the nature of the facts which it is hoped to elicit from these witnesses. In the hope that I might be able to puzzle out his meaning I took very full notes of what Mr. Sinha said. The substance of his explanation appeared to be that the character and activities of the Communist Party of Great Britain were most important for the purpose of this case and that he would be able to show from the answers of these witnesses in cross-examination what the differences were between the English and Indian Communist organizations, between the activities of the English and Indian organizations, and between the English and Indian activities of the English organizations, the underlying suggestion being I imagine that there is little or no difference at all. He pointed out that the prosecution case depended to some extent on letters which have passed between the Communist Party of Great Britain and the accused, & on money sent by Communist organizations in England to the accused. He apparently wished really to cross-examine the English witnesses with the idea of showing that the Communist Party of Great Britain carries on its activities in the open, and that the activities of the English organizations are legal in England in point of fact that would be a mere opinion and the best the English or any other witnesses could say is that those activities have not been held by a Court of law to be illegal and indicated that he would argue the patent 'non sequitur' that in that case similar activities in India can not be held illegal. If that is the chief point which it is hoped to elicit it is not one which would in any case justify the recall of the witnesses. In deciding whether on the merits the accused have or have not committed the offence with which they are charged this Court can not draw any inference from the fact that the persons concerned in

similar activities in England have or have not been prosecuted. It is further suggested that by cross-examination of these English witnesses the defence will be able to show that the activities of the subordinate organization mentioned in the complaint para 2 do not tend to the objective set out in para 3. The idea apparently is to use these officers as expert witnesses and ask them to give opinions on the subject of Communism and the activities of Communist organizations in England. But I do not think such opinions could be any of the sections of the Indian Evidence Act relating to brought within the purview of the relevancy of opinions of third persons; and in any case there are already or will be later on the record numerous documents emanating from these very organizations which are direct on the subject, such as official records of the utterances of responsible members. In any case the accused had been familiar with the prosecution allegations in regard to the English organizations their position, policy and activities for roughly 8 months when they were asked to cross-examine these witnesses and it is absurd to say that they only now realize or are advised as to what they might get by cross-examining them. The present application therefore seems to me to fail from every possible point of view: technically the Court has no power to pass the order sought and on the merits it would not be justified in doing so.

Sd/- R. L. Yorke

Add: Sess. Judge.

23. 4. 30

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#### ORDER.

During the hearing of the evidence of P. W. 47 Mr. Sinha on behalf of Joshi and other accused objected that this evidence which related to the activities of certain accused in connection with a Registered Trade Union was not admissible in view of the provision of section 17 of the Indian Trade Union's Act ( XVI of 1926 ). That section provides that " no officer or member of a registered Trade Union shall be liable to punishment under section 120B of the I. P. C. in respect of any agreement made between the members for the purpose of furthering any such object of the Trade

Union as is specified in section 15, unless the agreement is an agreement to commit an offence. ”

This point was considered in the Lower Court and the learned Additional District Magistrate held on page 18 of the printed copy of the Committal Order that section 17 could not apply if it was proved that the object of the Trade Union members of the conspiracy in all their Trade Union activities was to deprive the king of his sovereignty as that object is not included in the objects given in section 15 and further is itself an offence.

With that reasoning I agree but Mr. Sinha has suggested a fresh aspect for consideration. He argues that the charge against the accused though framed under section 121A I. P. C. really falls within the purview of section 120B I. P. C and that as section 120B was placed on the Statute Book of the section 121A ( I have not verified this but take Mr. Sinha's statement on the point to be correct ) the latter section is controlled by the former. The inference is that the charge is not maintainable and evidence not admissible in respect of any actions of the accused in connection with Trade Unions which are registered whatever may be the case in connection with other Trade Unions. Personally I am unable to find any force in the argument that section 120B, I. P. C. controls section 121A. First the mere fact that it is later in time does not make it control sections legislated earlier. Secondly the 2 sections are not in the same chapter; thirdly it is clear that if section 121A I. P. C. was placed on the Statute book before section 120B then section 121A does not require any help from section 120B for its interpretation. From this again it follows that the reference to section 120B I. P. C. in the Trade Union Act must be interpreted strictly and that in a case where the charge is one of an offence under section 121A I. P. C. section 17 of the Trade Union Act has no application. In my opinion the objection raised is not well founded and must fail.

Sd. R. L. Yorke

Addl: Sess: Judge.

30. 4. 30.

## ORDER,

In the course of his evidence Inspector S. C. Ghosh P. W. 33 was on numerous occasions asked by the prosecution to refresh his memory and did so from reports in regard to meetings which he had attended made by him to his official superiors at the time of the occurrences in question. These reports are private documents and do not come within the scope of section 162 and 172 C. P. C as though of the nature of diaries, they are not special diaries made in the course of an investigation under chapter XIV C. P. C and therefore excluded generally by section 172 C. P. C. On the other hand they are documents which the court could not as it can in the case of special diaries, demand to see for itself, unless and until they are put in the witness's hand by the prosecution. The practice so far followed in this case has been to show to the accused only the parts of such documents used by the witness for refreshing his memory. Mr. Sinha now raises an objection that the right of inspection extends to the whole of any such report and not only to the parts used by the witness to refresh his memory in the course of his examination. He argues that there is nothing in law which limits the right of inspection and that for the purpose of placing the whole truth before the court the accused should have access to the whole of any document referred to. Prima facie this looks very nice and simple but a closer examination of the matter shows that it bristles with difficulties. Examination of a sample report shows that it contains reports of the speeches of a large number of other persons besides the person whose speech is being deposed to and these other speeches are clearly not relevant to the case it also contains a certain number of independent facts in regards to prominent persons present, the number of persons who look part in the meeting and the like. These are facts which could be elicited from the witness in the ordinary way in cross-examination and defence could ask him to refresh his memory from the same report to which he has referred at the request of the prosecution.

The law and the rulings on this subject are by no means clear. So far as special diaries are concerned the exclusion provided by section 172 C. P. C. still continues in force in regard to all entries except those specifically used by the court or the witness, even when the diary has been put in the police officer's hands in order to refresh his memory or in order to contradict him. On this point the rulings are clear, but the position in regard to other documents shown to a witness by a party in order to refresh his memory is less clear. Section 159 I. E. A provides that a witness may refresh his memory by referring to any "writing" made by himself at the time..... Again section 161 I. E. A provides that "any writing referred to (i. e. for the purpose of refreshing memory)

under the provisions of sections 159 and 160 ( why the letter is mentioned I fail to see as under that section the document itself comes into evidence and is exhibited and is therefore ipso facto available for examination ) must be produced and shown to the opposite party if he requires it".....

Woodroffe and Ameer Ali on page 994 of the 8th edition of the Law of Evidence applicable to British India remark that the right is to the inspection of "all that is made use of for the purpose of refreshment" but a little further on they jump from the use of word "writing" to the use of the word "document" as if any series of writings, which might not even have been made on the same day but which happened to be included in the same "document" would be covered by the word "writing". To my mind the word "writing" has been used advisedly in the sections of the I. E. Act to which I have referred.

Turning to the rulings on the subject the following appear to be the only rulings of importance: I. L. R. 8 Calcutta page 739 (at pages 744/5) Re Jhabboo Mahton, I L. R. 30 Calcutta page 245 (at page 64) and I. L. R. XIX Allahabad page 390 (at page 405). The last of those is a case under section 172 C. P. C. but the learned Chief Justice there laid down a principle (referring to section 39 I. E. A) which appears to me to have some general application namely that the accused is entitled to see *so much of the special diary as is in the opinion of the court necessary in that particular matter to the full understanding of the particular entry used*. In the case reported in 39 Calcutta the passage relied upon seems to me to throw no light on the difficulty and no attempt was made there to examine the meaning of the words "the writing". In 8 Calcutta Field J. laid it down that the grounds upon which the opposite party is permitted to inspect a writing and to refresh the memory of a witness are threefold: (1) to secure the full benefit of the witnesses recollection as to the whole of the facts; (2) to check the use of improper documents (such as what in school-boy language are called "cribs"); and (3) to compare his oral testimony with his written statement.

Reverting to the commentaries Sarkar on page 998 of his I. E. A 4th Edition remarks that the court in the exercise of its discretion may and should restrict the inspection and cross-examination to matters relevant to the issue or to so much as is necessary for understanding the facts testified to and refers to section 39. That is a counsel of perfection throwing the entire burden on the court and difficult to apply satisfactorily in the present case owing to the multitude of documents to which such passing reference is made, Sarkar and Woodroffe and Ameer Ali refer also to an English rule that when cross-examination is extended to other parts

of a memorandum ( that is one used for the purpose of refreshing memory ) the cross-examining party thereby makes it his own evidence. That is what would happen no doubt if opposing counsel asked a witness to refresh his memory from some other part of a memorandum in order to answer a question in cross-examination.

It appears to me that if the words " the writing referred to " are strictly construed the right of the accused to inspection is limited to these portions from which a witness has actually refreshed his memory: but that even if that view is not strictly maintainable the matter is in the discretion of the court itself under section 39 I.E.A. Applying the principles stated by Field J. in 8 Calcutta and the principles contained in section 39 I. E. A I hold that the objection succeeds only to this extent that when the prosecution proves through a witness who refreshes his memory by reference to such a writing only a portion or extract from the speech of an accused, the accused entitled to see the whole note of his speech contained in that report. As regards what may be called independent facts such as I have mentioned earlier the accused can question the witness in cross-examination in the ordinary way and can if they choose ask him to refresh his memory from the same report. They must however remember that if they do so they will be making the " writing " from which the witness then refreshes his memory their own evidence not in the sense that the " writing " will be exhibited but in the sense that they will be bound by the answer of the witness on the point, checked by what he has actually written. The practical effect of this will however I anticipated not be great.

Sd. R. L. Yorke

Addl: Sess: Judge.

2/3. 5. 30

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### ORDER.

In the course of his examination-in-chief in this court ( as also in the Lower Court ) P. W. 53 Inspector S. C. Ghosh, having before him certain reports prepared by him in the course of his duties relating to 2 meetings held one on Jany. 29, 1928 and the other on March 8, 1928 both organized by the Scavengers Union of Calcutta, deposed to speeches made by different accused on those occasions. It then appeared from the way in which he

gave his evidence, though it was not definitely so stated by him, that he was using certain portions of those reports in order to refresh his memory. In cross-examination in answer to questions by Mr. Sinha the witness stated that his memory of what was said by the accused in their speeches on those occasions was not revived by his referring to the reports, that is that he had no specific recollection of the facts themselves. The effect of this would be that no weight could be attached to his statements in examination-in-chief as to what was said.

This being the position the Government Prosecutor in re-examination sought to tender the actual reports to which the witness had referred in order to refresh his memory with a view to proving them, or rather the relevant positions of them, through the witness under section 160 I. E. A.

Mr. Sinha has objected on 3 grounds. His first ground is that there is no provision of law under which a document can be filed in re-examination. Closely connected with this is his second point that there is nothing in the cross-examination to which I have alluded above which can be explained by a new document which was available to the prosecution all along but of which the prosecution did not choose to avail itself. Mr. Sinha here referred to sections 162 to 164 and 61 to 63 of the Indian Evidence Act, none of which however deals with the stage at which documentary evidence is to be produced. Nor so far as I know are there any hard and fast rules on that point. Lastly Mr. Sinha referred to the fact that these reports were not filed in the Lower Court. The Government Prosecutor in reply urges that these reports are pieces of evidence which were produced before the Lower Court and of which the portions used for refreshing memory could have been seen by the defence at the time of their use for that purpose either in the Lower Court or in this court, that the reason why they were not tendered in evidence before was that the witness was understood to be speaking from his refreshed recollection and that the fact that he was not doing so only came to light at the time of cross-examination, and that if the procedure ought to be followed by him is not in the strictest sense allowable in re-examination then the court may order the reports which he tenders to be brought on record and allow them to be proved even at this stage through the witness. He points out that this court has in fact taken similar action already in the case of the shorthand notes of a shorthand reporter P. W. 35.

It appears to me that Mr. Sinha's objection so far as it is an objection to the introduction of new matter by the prosecution in re-examination is technically correct. But the duty of the court in the matter is equally clear. The court is aware of the existence of relevant evidence, namely documents which have been produced in

court and could have been, even if they were not, seen at any rate in part both by the Magistrate and the accused or their counsel. There can probably be no question about their genuineness but in any case if further inquiry on any point is necessary that can be dealt with by fresh cross-examination which in the circumstances is obviously to be allowed. Section 165 of the Indian Evidence Act (reference may also be made to section 540 C. P. C.) clearly indicates what the duty of the court in such a case is. That duty is to bring on the record relevant evidence which it knows to exist, allowing if necessary further cross-examination of the witness on the answers given by him in reply to the court's question or on the subject matter of the reports in question so far as that subject matter is relevant.

Sd/- R. L. Yorke

Add: Sess: Judge.

3. 5. 30.

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### ORDER

In connection with the evidence of S. I. P. N. Banerjee P. W. 52 proving his report Ext P. 2146 of a certain meeting held on October 17, 1928 and of the speeches made by certain accused at that meeting, Mr. Sinha objected to the admission U/S 160 Indian Evidence Act of that report. He made three points in his argument. (1) He argued that a writing containing a report of the gist or substance of a speech is not admissible in evidence under that section. On this point he urged that a witness can prove the gist or substance of a speech only by refreshing his memory (u/s 159 L. E. A), the principle suggested being that a gist report must be capable of being tested directly by a cross-examination which will test both the memory, and the witness's power of grasping and summarising what he heard. Learned Counsel relied on the ruling reported in I. L. R 32 Madras P. 384 (at P. 395) followed by the court in dealing with an earlier objection. As I understand him his argument is that S. 160 is not available at all for proof of the gist of a speech but only for proving the actual words used. On a careful perusal of the ruling however I feel no doubt that that is not the effect of the proposition stated by Sankaran Nair J. in his judgment in that case. In the words of the headnote that proposition was that where a person records, not the actual words used, — but simply notes of the impression made on his mind by a speech, such notes are inadmissible under



section 160 of the Evidence Act to prove the actual words used. That is no doubt correct; by such evidence in fact an attempt is made to prove not the actual words used but only the substance of what was said. Sankaran Nair J. went on to hold that it was necessary in a case u/s 124 A to prove the actual words used, but the majority of the Judges held that it was sufficient to prove the substance of the words used, and that this had been proved, and the court therefore proceeded by a majority to uphold the appellant's conviction for an offence u/s 124 A I. P. C. The effect therefore of the judgments both of Sankaran Nair J and of the other Judges concerned is to support the view that S. 160 is available to prove *either* the actual words used or the gist or substance of what is said.

(2) Mr. Sinha's 2nd argument is that this report, and similar reports proved by other witnesses, are admittedly not the original notes taken down by the witness on the spot but reports prepared soon after from a combination of the notes and memory of the witness. He argues that such a report is not either the original writing nor yet a copy and therefore not admissible u/s 159 I.E.A. If it is to be taken as a copy then (he argues) the portion of S 159 relating to copies is not taken over to S. 160 and a copy is not admissible under that section. On this latter point the rulings admittedly differ but I have held on an earlier objection in regard to transcriptions that copies are admissible u/s 160 I. E. A. Here however that question does not arise as I am of opinion that these writings are not copies at all, but original writings made when the transaction was fresh in the witness's memory and therefore admissible both for refreshing memory u/s 159 and also u/s 160 I. E. A.

(3) The third point argued is that the witness's cross-examination has shown that to some extent his memory is revived by reference to the writings, and that therefore section 159 I. E. A. must be applied and not S.160, since S.160 is only applicable where the witness "has no specific recollection of the facts themselves". This argument carried to a logical conclusion would exclude even reports of shorthand reporters who are often able to recall after refreshing their memory a few facts in regard to the occasions on which they recorded speeches. In my view this cannot be and is not the intention of the law which is that where memory fails the record made at the time should be available in evidence.

The objection accordingly fails.

Sd. R. L. Yorke

Add: Sess: Judge

D/- 5th May 1930.

MEERUT.

Saraswati Machine Printing Press, Meerut U. P. India.

*Corrected by*

## ORDER

In the course of the inquiry by the Magistrate in the case of K. E. vs P. Spratt and others under section 121, A I. P. C the Magistrate on the request of an accused to be sent to his home (somewhere on the Bombay side) to see his wife and family sent the accused under police escort to his home. There are no papers relating to this on the judicial record but it is undisputed that it was done. In consequence of that action of the Magistrate, R. R. Mitra accused at an early stage of this trial applies to this court for a similar indulgence to be extended to him. On that application so far as I can now recall I passed an order forwarding the application in original to the District Magistrate with the remark that if and when the Local Government or the Government of India should decide to send applicant or allow him to go to his home it would be for this Court to consider the question of dispensing with his attendance under section 540 A of the Code of Criminal Procedure. On the afternoon of April 26, 1930 shortly before this Court rose for the day an order was received from the Government of India through the Local Government by way of the Commissioner and the District Magistrate stating that "The Government of India agree that Radha Raman Mitra, an under-trial in the Meerut Conspiracy Case, may *subject to the orders of the Court*, be permitted to visit Calcutta to see his sister who is ill, provided the Judge is satisfied that the absence of the accused during trial will not cause any delay or *invalidate any part of the proceedings*, that the accused is represented by Counsel during the whole period of his absence, and he gives an undertaking that he will not attempt to engage in any kind of propaganda during his absence from Meerut".

On these orders being communicated to him R. R. Mitra accused put in an application to the Court a copy of which is attached here with asking the court to dispense with his attendance for a period of 15 days. That application was not opposed by the Counsel appearing for the Crown and I somewhat hastily passed the order dated April 26, 1930 copy of which accompanies this order. I see from that order that even at the time I hesitated somewhat as to whether the case really come within the 4 corners of section 540 A of the Code of Criminal Procedure Code but I concluded that in principle that section was applicable and accordingly allowed the application. Within the last few days I have had to consider the meaning of section 540 A in another connection and hence to consider again whether my order of April 26, 1930 on R. R. Mitra's application was based on sound judicial grounds, and was in strict accordance with the law as laid down in the section. There is no case law on the point that I have been able

(1)

to trace and therefore it is necessary to rely on the wording of the section only. The section prescribes that "at any stage of a trial under this Code when 2 or more accused are before the court if the Judge is satisfied, for reasons to be recorded, that any one or more of such accused if or are *incapable of remaining before the Court* he may, if such accused is represented by a pleader dispense with his attendance and proceed with such trial in his absence....." That is, the Judge has to be satisfied that an accused is incapable of remaining before the Court before he can dispense with the accused's attendance. Now I was at first inclined to think that the principle of the section merely required that an accused's interests should be protected in his absence and that the section would cover what might be called voluntary absence, but on further consideration I am unable to think of any cause on account of which the Judge can be satisfied that an accused is *incapable of remaining before the Court* except physical disability, such as illness, and the like I am therefore inclined to think that my order dated April 26 allowing R. R. Mitra's application and dispensing with his attendance was not a correct order. I have to-day received a similar order from the Government of India in the case of one Gopal Basak accused and he has submitted to this court an application very similar to that submitted by R. R. Mitra and asked me to pass in his case the same order as I did on Mitra's application. It may be that if my order on Mitra's application was wrong the irregularity is one which can be condoned under section 537 C.P.C. (since neither Mitra nor any other accused could possibly I imagine suggest that Mitra's absence or the Court's proceeding with the case in his absence could have occasioned a failure of justice) but it appears to me that once a doubt has arisen in my mind I am not justified in passing an other order of the same kind on the supposition that if it is wrong section 537 can be applied in its aid, and I believe there are rulings to that effect. A second point of grave importance is that the present case is one of great magnitude. There are 300 prosecution witnesses and some 3000 Exhibits mainly Documentary for the Crown and the case is very costly as the witnesses come from great distances. In an ordinary case of no great importance I might be disposed to risk letting an order of this kind remain to be dealt with, if at all, in appeal but in this case it appears to me that I ought, if the order passed and the procedure followed subsequently are tainted with irregularity, to recall the witnesses who have come before the court since April 26 and record their evidence afresh.

The next question is whether in these circumstances it is possible to make a reference to the High Court or whether this court must decide for itself as to the regularity or otherwise of the order under section 540 A. C. P. C, Section 435 gives the High

Court and the sessions Judge power to call for and examine the record of any proceeding before any inferior Criminal Court. Again Section 438 lays down that the sessions judge may if he thinks fit, on examining under section 435 or otherwise the record of any proceeding, report for the orders of the High Court the result of such examination. Lastly section 439 lays down that the High Court may exercise any of the powers conferred on a court of appeal by section 423, 426, 427 and 428 C. P. C. in the case of any proceeding the record of which has been called for by itself or reported for orders *or which otherwise comes to its notice*. It appears to me that those sections do cover the making under section 438 C. P. C. of a reference of this kind, in regard to the order passed by me or the application of R. R. Mittra. The Crown not having opposed that application can scarcely move the Hon'ble Court to call for the record and the accused will not do so because (1) they may wish to make similar applications in future and (2) they would not in any case mind if, should they in the long run be convicted by this court, their conviction should be set aside on the ground of an irregularity on the proceedings. In any case S. 439 of the C. P. C. enables the High Court to pass orders in the matter whether this reference is strictly covered by section 438 C. P. C. or not. The High Court has also I believe very wide revisional powers under the Letters Patent and the Government of India Act which I should suppose would cover a case of the kind.

In these circumstances I submit the record of R. R. Mittra's Application to this court with the orders passed thereon for the order of the Hon'ble Court on two points (1) whether the order dated 26-4-30 passed on that application is a correct order or not and (2) in case it is held that it is not a correct order whether it is merely an irregularity curable by section 537 C.P.C. or whether this court should recall the witnesses whose evidence has been heard in R R. Mittra accused's absence and record their evidence a second time.

Sd. R. L. Yorke

Addl. Judge Meerut.

14.5.30

## ORDER.

With reference to the evidence of P. W. 69 Sub Inspector Yakub.Ali Chowdhri who conducted the search of the office of the Young Comrades League at 78/1 Harrison Road Calcutta Mr. Sinha objected that this organisation was not named as a co-conspirator either in the complaint or the Magistrate's order or the charge, and that as, if a conspirator at all, it was a known conspirator it could not be included in the category of unknown conspirators. Anything said by this League or rather by its members would therefore not be admissible in evidence under section 10 of the Evidence Act but only things said by Spratt or Goswami or any other accused. He argued further that evidence of their mere participation would not be admissible but only evidence of something actually said by them. In this connection he urged that the term "Youth Leagues" in (b) of para 3 of the complaint must be construed strictly and could not be interpreted as including the Young Comrades League. This is an objection which it is admitted was not raised in the Lower Court.

For the Crown it is urged that the term in para 3 (b) of the complaint is general and obviously includes all kinds of Youth Leagues or Youth Organisations. The words used or actually "Youth Leagues" and not "Youth League". Had the word League been used in the singular I think Mr. Sinha's argument might had had same force, and the term might have been held to indicate a definite organization of that name. In the plural and standing next to the general term "Unions" it seems to me that it is meant to be indefinite, that it is meant to cover all kinds of Youth Organisations. As regards this particular organisation there are 2 letters of Spratt accused P. 2102 and P. 527 (1) which clearly show what part Spratt accused and his friends took in this League. They found an unorganised collection of a few individuals and they organised it into the Young Comrades League. The documents found in this search show the part they took in the League and objects with which they organised it and are in my opinion admissible in evidence against them.

Sd/ R. L. Yorke

Addl: Sess: Judge.

19/5/30

## ORDER

During the evidence of Sub Inspector A. K. Sen P. W. 66 (P. W. 244 in Lower Court) Mr. Sinha on behalf of several accused objected to the admission in evidence of Exhs P. 2121 P, P. 2121 PE (1) and PE (2) on the ground that the cover envelope in which were found among other things an envelope addressed Muzaffar Ahmad and the envelope addressed M. A. which contained the letter. Exh P. 2121 P from Mohammad Ali to M. A was addressed to one N. C. Day and that no notice had been given by the prosecution to N. C. Day to produce that cover envelope and its contents. He argued that there was no evidence to show that the contents of the cover envelope ever went out of N. C. Day's possession and that therefore notice to him was obligatory. It appears to me that section 114 of the Evidence Act justifies the Court in presuming that a letter enclosed in a letter to a cover address was duly sent on by the cover addressee to the real addressee. It follows that if the Court can be satisfied that the real addressee of the letter of which Exh P. 2121 P. is a photograph was Muzaffar Ahmad accused then the notice given to him is sufficient to enable secondary evidence to be given of that letter. The objection so far as it is based on absence of notice to N. C. Day is over-ruled.

Sd./ R. L. Yorke,

Addl: Sess: Judge.

19/ 5/ 30

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## ORDER

In connection with the evidence of P. W. 79 (Lower Court 227) Sub Inspector P. C. Mandal proving a list of persons and organisations outside India to whom copies of the "Ganavani" were posted by one Abdul Halim Mr. Sinha objects that Abdul Halim is not an accused or co-conspirator and that this is a personal act on his part evidence of which is not relevant against the accused. He argues that the evidence that the said Abdul Halim is a member of the Workers and Peasants' Party of Bengal is feeble and that even if he is it is not the individual members but the organisation which is charged in this case. Even according to the prosecution case he says it was the intention of

( 40 )

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the Conspirators that the Workers and Peasants Party should be a "Camouflaged" Communist party and therefore it would inevitably contain among its members persons who were not communists: in fact that was the idea. Mr. Sinha also argued referring to section 16 of the Evidence Act that before the court could presume that these packets reached the addressees evidence was necessary to show that they were not returned through the Dead Letters Office: that is clearly not the case, but in any case the prosecution do not rely on the receipt of these newspapers by the addressees. The prosecution case is that it is clear that Abdul Halim is closely connected with members of the inner circle of the Workers and Peasants Party. He is not infrequently mentioned in letters, and at the time of search of 2/1 European Asylum Lane he is found living there and with Muzaffar Ahmad accused signs many of the papers seized on that occasion. The newspapers posted by him were copies of the Ganavani sent in Ganavani wrappers which themselves describe the Ganavani as the organ of the Workers and Peasants Party. It is no doubt possible but it is not an ordinary probability that Halim stole the wrappers and brought the copies of the Ganavani and despatched them to his friends in Europe and it is on reasonable probabilities that Courts have to act. I feel no doubt that whether he was or was not privy to the intentions of the conspirators it was an agent of the Ganavani and of the Workers and Peasants Party that Abdul Halim posted these newspapers. The sending of Ganavani to those addresses is evidence of some connection between the Workers and Peasants Party and the addressees and is therefore admissible in evidence. The objection is over-ruled.

Sd. R. L. Yorke

Addl. Sess. Judge.

26. 5. 30

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### ORDER

In the course of his cross-examination of P. W. 99 R. S. Maheshri Prasad Varma Nimbkar accused asked that witness questions in regard to the activities of the Indian National Congress and other persons in connection with the visit of the Simon Commission to Patna. Crown Counsel objects and asks that questions on

( 5 )

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this subject be disallowed on the ground that such evidence is not relevant to the case against the accused. He points out that no evidence has been or is going to be led by the prosecution in regard to activities of any of the accused at Patna in connection with the Simon Commission.

Mr. Sinha puts forward in reply to the objection the plea that evidence is being led in regard to the Anti-Simon-Commission activities of the accused in Calcutta and Bombay *as having a special colour*. He urges that in defence evidence to prove that Anti-Simon-Commission activities occurred all over India and that the accused's activities were similar to those of other persons in places where no taint of Communism is alleged is relevant, and in particular that evidence to show that accused's activities in Calcutta and Bombay were similar to those of the Congress and Sir Ali Imam etc. at Patna is relevant.

Evidence in regard to Congress activities in connection with the Simon Commission's visit to Calcutta has been admitted. It is however evident that the reason for admitting that evidence i.e., the relevance of such evidence does not stand on the same footing as that of evidence in regard to activities of persons at Patna. The accused tried to show, as it appeared to me that it was not they but the Congress who were responsible for the particular activities at Calcutta which bore the particular colour mentioned by Mr. Sinha. Such evidence I regarded as relevant. If however the intention was to show that because other people had not been prosecuted in connection with those activities therefore the accused's activities cannot be relied upon for any purpose in this case, I need only say that it is no defence to a charge to say that another man has not been prosecuted in regard to activities or acts which the accused alleges to be the same as his own, and which may in fact be precisely the same as the accused's. What the accused have to show is not that other people participated in the same activities as they did but that their own activities had not the colour alleged or that they did not take part in such activities at all. To prove either of these points evidence of similar activities of other people in places other than those where the accused are proved to have been operating is not in my opinion relevant.

The only section of the Evidence Act which appears to me to have any bearing is Section 9. That section declares to be relevant facts which rebut an inference suggested by a relevant fact i. e. which explain or explain away an apparently guilty act, but a study of the section and the illustrations leads me to the conclusion that facts in regard to activities of other persons at Patna would



not be relevant under this section to rebut an inference suggested by the accused's activities at Calcutta, or their particular colour.

Speaking generally I would rather admit a certain amount of evidence of doubtful relevance than exclude evidence which might possibly be relevant, but it appears to me that the prosecution objection in this matter is sound and must be upheld. I hold that facts in regard to activities of the Congress and other persons in connection with the visit of the Simon Commission to Patna are not relevant and questions put to elicit evidence of such facts must therefore be disallowed.

Sd. R.L. Yorke

25 6.30

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#### ORDER

In the course of the evidence of P. W. 119 Inspector Jagannath Saran that witness was asked about speeches of Mr. Purcell N. P. and Mr. Hallasworth N. P. made by them on the last day of the Trade Union Congress at Cawnpore on November 28, 1927, and on its being ascertained that he had taken notes of what those gentlemen had said he was asked by Mr. Sinha to state from his report what they had said. Crown Counsel thereupon objected that this evidence of things said by 3rd persons was not relevant and therefore excluded by section 5 of the Indian Evidence Act. The record of the speeches of these persons was shown to Defence Counsel and to the Court. Mr. Sinha for some accused relied on section 32 (4) and section 9 of the Indian Evidence Act. It has since been conceded that the reference to section 32 (4) was in error since reliance is not sought to be placed on the truth of something said in these speeches but merely on the fact of certain things being said.

Argument has been directed in the main to the applicability of section 9 to a case of the kinds. I have listened carefully to the arguments under this head as they bear somewhat intimately on the question of what kind of evidence is admissible in defence to meet arguments passed by the prosecution of speeches made by an accused if e. g. that accused relies on what is sometimes called the Yellow Defence, that is the plea that he is really a follower of the 2nd and not of the 3rd International and that all he has ever said is consistent with that fact.

In his argument the line taken by Mr. Sinha put in its simplest form is that one class of evidence on which the prosecution relies against most of the accused consists of speeches made by them: upon these he says the prosecution relies partly as "activities" that is to say really for their surrounding circumstances, and partly for their contents. As regards their content he says the prosecution contends that they are Communistic in character and this specifically (among other reasons perhaps) because they attack Capitalism and what is called Imperialism. He urges that from this the prosecution seeks to induce the further inference that those accused have a Communist tendency or attitude of mind which may be regarded as a fact of some weight in deciding whether they did or did not participate in the conspiracy with which they are charged. He urges that in defence it is under section 9 of the Evidence Act competent to prove any facts which will rebut any of the above inferences; since that section declares facts necessary to rebut an inference suggested by a relevant fact themselves relevant in so far as they are necessary for that purpose.

Now it is clear that speaking generally speeches of 3rd persons even if they preach exactly the same doctrines as they accused did are not relevant under this section: for it is no defence to a charge to say that another man did exactly the same thing that you did and that he has not been charged with an offence on that account. Such speeches of 3rd persons therefore cannot ordinarily rebut an inference of guilt. Secondly speeches of 3rd persons are objectionable on the ground that the persons concerned cannot be asked to explain their own utterances. Something which may itself be ambiguous cannot possibly be relevant to explain or rebut an inference from something which the accused alleges to be ambiguous.

The suggestion however here is that the fact that certain particular 3rd persons, in their speeches on the same subjects (capitalism and imperialism) used language exactly parallel to that used by the accused is an evidence that this language is not a proof of Communist tendency: and the reason why this is said to be so is that these particular persons are or will be proved by positive evidence to be members, in fact prominent members, of the 2nd International and to have been speaking as accredited representatives of an institution. The British Trade Union Congress, which is affiliated to that International. Had this language been purely communistic it is contended these persons could not have used it. The evidence sought to be adduced is in fact meant to bring home in a more graphic manner a point which could be argued by reliance on text books or say the programmes of the two Internationals: namely that the use of certain phrases is not a proof of attachment to the 3rd International.

For the Crown objection is taken to the proof of individual utterances of this kind and it is argued that the attempt to prove them is based on a misapprehension of the prosecution case as a whole. Counsel points out that the charge against accused is of being members of a conspiracy whose aims involve depriving the King of the Sovereignty of British India and that had not the leaders and interested parties been persons of extreme or Communist view Communism need not have been mentioned at all. The carrying out of the aims of the conspiracy involves activities which have been laid down or advised by the Comintern, the Communist Party of Great Britain and other persons in Europe and have been reproduced by persons in India: such activities or organisation work in Trade Unions, participation in strikes and so on. Proof participation in the conspiracy is in the case of some persons direct as by signature of documents which clearly indicate participation and knowledge. In others it is indirect or circumstantial that is it depends on the cumulative effect of association with persons proved to be participators by direct evidence, of correspondence with them of participation in advised activities and so on. The fact that other persons took a similar part in some of these advised activities is immaterial; since it is only the accumulation in one individual of a number of circumstances which can bring the case home. It is in fact not "attitude" on which in connection with the speeches the prosecution relies but the fact of taking part in activities.

Crown Counsel as I understand him did however concede that he argued or would argue certain things said by accused to be definitely Communistic and would naturally therefore concede that accused were entitled to argue that they were not so. In that case it seems to me clear that if it is in any way possible to prove, that is to induce an inference, that certain things said which are apparently Communistic or which the prosecution intend to argue are Communistic, are not so the Defence are entitled to attempt to prove it. In fact the prosecution appears to me to agree to that by what has been said about proving the 2nd International's programme. The only question then remaining is whether this particular evidence is free from the defects alluded to above and does have to any tangible extent the effect of rebutting the inference which the prosecution evidence suggests. If it does then I think it is arguable that provided the representative character of the speakers is established there is no great distinction between it and say a text-book or programme. Both of these also are really statements of 3rd persons not very different in character. I accept Mr. Sinha's undertaking to prove the exact status in relation to the 2nd International of Messrs Purcell and Hallsworth, and therefore for the purpose of this order assume it to be what he has stated it to be in argument. On that

assumption if there is anything specific and unambiguous in those gentlemen's speeches which can serve to indicate that particular points in speeches or activities of accused are not proof of Communist tendencies and are consistent with their being followers of the 2nd International. I think it can be admitted under section 9. To ascertain this I have read over the 2 speeches carefully and with some hesitation have come to the conclusion that the 2 following facts can be allowed to be proved:—

(1) the fact that in concluding his speech Mr. Purcell used the slogans "Down with Capitalism and Imperialism", and (2) the fact that in the course of his speech Mr. Hallsworth used the words: "Whatever may have divided them in the past there was one question in which they could not afford to be divided, and that was common force to unite against Capitalism". For the rest these speeches appear to me not to be relevant under section 9 or any-other section and I therefore decline to admit them.

I must however add that speaking generally I am of opinion that the contents of speeches of 3rd persons at meetings such as are deposed to in this case are not relevant under section 9 or any other section unless they can be brought within the scope of the provisions of S. 32. One reason for this is that the persons who made those speeches are not available for cross-examination: and just as the statements of 3rd persons are not admissible to prove the truth of the facts stated there in because the truthfulness of the witnesses cannot be tested, in the same way the contents of speeches of 3rd persons must be ruled out in the ground that those persons can not be cross-examined as to what they meant. Other reasons are first that unless A has authorised B to explain his speech B's speech cannot be regarded as explaining A's, secondly that on the face of things it is absurd to attempt to explain one thing whose meaning is contested by reference to another whose meaning is equally likely to be ambiguous and to be contested: and thirdly that the fact that others have done the same thing is no defence to a charge. The proper course for an accused who pleads that a speech of his has been misinterpreted by the prosecution is to offer his own explanation of that speech at the proper stage and support that explanation by argument or reference to e. g. any programmes of the different Internationals which may have been proved.

Sd/ R. L. Yorke,  
Additional Sessions Judge,  
Meerut.

D/ 18th July 1930

( 10 )  
4635

## ORDER

On the prosecution tendering Lt. Col Rahman I. M. S. Superintendent of the Meerut Jail as a witness to identify the handwriting of a large number of accused in numerous documents. Mr. Sinha for several accused objected that the witness was in a position of confidence towards the accused and should not be allowed to give evidence. Mr. Sinha conceded that there was nothing specific in the Indian Evidence Act precluding Col. Rahman from giving evidence but he relied on the principle stated in sections 126 and 127 of that Act. He also referred to an English extension of the principle in a very old case to communications made to a spiritual adviser. I may note that in a later case this extension was not repeated. He further urged that the effect of allowing a Jail Superintendent to give evidence of this kind would be to allow the prosecution to take an undue advantage of the position of the accused who had perforce to submit all their letters to the Superintendent, and therefore to hinder accused persons from exercising their right of communication with their friends. For the Crown reliance was placed on section 5 and 118 of the Evidence Act and it was pointed out that the case was not one of privileged or professional communications to a legal adviser or in any way analogous thereto. The witness was being asked to depose by the use of knowledge gained through observation and the fact that the observation was in the course of official duties could not operate as a bar to the evidence. That view is obviously correct. There is no ground on which I can disallow this evidence and the objection therefore fails and is over-ruled accordingly.

Sd/- R. L. Yorke

Addl: Sessions Judge

22-7-30



## ORDER

*In connection with the evidence of P. W. 2 & S. I.*

Gulab Singh Finger Print Expert Mr. Sinha objects to the use of the thumb impression of Ajudhia Prasad accused taken in the Jail Admission Register being used for purposes of comparison with certain other thumb impressions which the prosecution alleges to be his. As I understand Mr. Sinha his contention is that under section 340 of the C. P. C. an accused can only give evidence in certain specific cases; in other cases he can not do so. The only thing he can do is to answer questions put by the Court under section 342 C. P. C. Under that section the Court may at any stage put questions to the accused for the purposes of enabling him to explain any circumstances appearing in the evidence against him and shall for the said purpose question accused generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

Mr. Sinha argues from these 2 sections that the accused cannot after arrest be forced to do any thing to help the prosecution case against him. He also relies on the ruling reported in I. L. R. 1 Patna at page 242. I do not propose to discuss at any length that ruling, which has been distinguished in I. L. R. 6 Patna at page 623. Bucknill J. in that case seems to think there is something wrong in making a person against whom there is suspicion of a crime furnish thumb-impressions the result of furnishing which will be to demonstrate either his guilt on the one hand or his innocence on the other. He speaks of knowing no law by which an accused can be either by words or by gestures or by exposing himself to certain physical treatment made to implicate himself in the crime with which he is charged. It is clear that the learned Judge was not shown or had not considered the effect of Act XXXIII of 1920 the identification of Prisoners Act, or of section 73 of the Indian Evidence Act.

Moreover as pointed out by Mullick J. in the ruling reported in I. L. R. 6 Patna at page 626 the decision in 1 Patna did not turn upon that point, that is on the question whether an accused person could or could not be forced to give his thumb impression. Mullick J. referred to the portions upon which Mr. Sinha relies in 1 Patna as "observations" i. e. obiter dicta. He went on to point out that "on the other hand" a full Bench of the High Court at Rangoon had decided in I. L. R. 1 Rangoon at page 758 that the Court has power under section 73 of the Indian Evidence Act to direct an accused person present in Court to make his finger impression for the purpose described in that section, and that section 342 C. P. C. relates only to the oral questioning of the

accused. Mr. Sinha concedes that the ruling reported in I. L. R. 1 Rangoon is fatal to his contention and that ruling is plainly accepted as good law in 6 Patna although for the purpose of the case with which the latter Court was dealing the question of compulsion did not actually arise. But when all was said and done that mattered little for the mere request to the accused to allow his thumb impression to be taken put him on the horns of a dilemma. If he refused his refusal would weigh heavily against him under section 114 of the Evidence Act. If he agreed his thumb impression would be taken and thereby his guilt or innocence would be established for the fact of the thumb impression being identical or otherwise was the crucial point in the case.

Incidentally I may remark first that the principle which Mr. Sinha seeks to infer from section 340 C. P. C seems to me too farfetched to be acceptable, and secondly that the question "are you willing to give your thumb impression" appears to me to be really a request and not a question falling within the purview of section 342 C. P. C at all. Lastly as pointed out by one of the Judges in the Rangoon case it is not the case that an accused who is directed to furnish his thumb impression thereby provides evidence against himself. What he really does is to enable the Court to read the ridges on his thumb which are themselves the real evidence.

I find no force in this objection which is accordingly overruled.

Sd/ R. L. Yorke.

D/- 28th July 1930.

Add: Sess: Judge.

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### ORDER

*Bradley and Muzaffar Ahmad accused have applied to this Court in an application date May 30, 1930 but actually argued on July 16, 1930 with 3 prayers.*

Prayer No. 1 is that the Court may direct the prosecution to place before the Court the evidence of certain persons, that is to cause those persons to be present before the Court to give evidence. These persons are persons whose evidence is argued by the applicants to be important to them for certain reasons



given earlier in their application but whose presence cannot be secured by a summons issued by an Indian Court and whom the accused themselves are said to be incapable of bringing before the Court.

Prayer No. 2 is for the examination of such persons in England and in other places where it may be considered (sic). This is apparently an application under section 503 C. P. C.

Prayer No. 3 is that in any case a note may be kept in the record of "these facts" so that the accused may be entitled to claim the benefits of the presumptions arising from the absence of such witnesses. As regards this last I may remark that the prayer for a note to be made is unnecessary: the application and this order will remain on the record and the accused may at the stage of argument make such use of them as they are advised to make.

I take the simple legal point disclosed in prayer No. 2 first. Mr. Sinha admits there are 2 decisions of the Bombay High Court (in I. L. R. 5 Bombay at page 338 and 19 Bombay at page 878) against him but he suggests that there is a way out which has not been discussed in these rulings, namely that under section 503 (3) C. P. C. a Magistrate be sent to England to record the depositions of the persons named by the applicants as witnesses. Mr. Sinha referred to a Civil case in which similar action was taken but he was constrained to admit that such a Magistrate would have no jurisdiction to enforce the attendance of a witness before him. In my opinion he would also have no jurisdiction to record the evidence of any witness as the C. P. C. has no application outside British India. But there is an even more immediately fatal defect in the argument. Under section 503 (1) a Commission can be issued only to a Magistrate within the local limits of whose jurisdiction the witness resides. None of the persons whose evidence is desired by the accused could ex hypothesi be residing within the local limits of the jurisdiction of a Magistrate who was to be sent from India to England to record their evidence. Section 503 C. P. C. has clearly no application and the prayer for the issue of a Commission must therefore fail.

Turning now to prayer No. 1 Mr. Sinha refers to the fact that the prosecution brought out 8 witnesses from England to give evidence on their behalf and suggests that they can in the same way bring out witnesses for the defence and further that they should do so in order to lay before the Court all relevant material: and in particular "this evidence" which is said to be 'necessary' for the decision of the case. He does not however refer to any section of the C. P. C. or of any other act under which this Court has jurisdiction to give such a direction to the prosecution

as is asked for. The question whether the prosecution has or has not got the power to place this evidence before the Court or any duty to do so is a matter for consideration chiefly with reference to any presumptions arising from the absence of these witnesses. It does not appear to me that the Court has jurisdiction to give any such direction to the prosecution and if it has not it certainly should not attempt to do so. This prayer also must therefore fail.

As regards prayer No. 3, as I have already observed the question whether any presumption can be drawn in favour of the accused from the absence of any of the witnesses named by them is one which can only be considered properly at the stage of final arguments. We do not as yet know whether they will all fail to come before the Court. If they do it will be necessary to consider then in the light of all the facts whether any and if so what presumptions arise from their absence. The main grounds on which the applicants urge that a presumption will arise are (1) that certain evidence is necessary for a proper understanding of the case i. e. for the just decision of the case (2) that there is a burden on the prosecution, that is the Crown, to place all relevant materials before the Court (3) that the Crown have the power as has been shown in the case of prosecution witnesses to bring witnesses from England (4) that the Crown that is the Government of India, so far from doing this in the case of the persons named as Defence witnesses have in reply to an application by the accused stated that they are unable to summon witnesses from outside India and that they cannot give any undertaking that passports will be granted or that they (i. e. any persons who may obtain passports and come to India to give evidence) will not be arrested if they have done anything which renders them liable under the law. It is argued that this amounts to withholding relevant evidence.

Mr. Sinha first of all argues that the evidence of certain witnesses in England or Europe is necessary in order to rebut inferences suggested by prosecution evidence (para 3 of the application). He begins by saying that according to the prosecution case the Comintern which is the chief Conspiring Body acts through the Communist Party of Great Britain and certain other organisations in England and that in order to find out how far steps taken in India, that is activities of the accused, were taken under the direction of persons outside India the evidence of persons outside India is necessary. The prosecution he says rely in this connection on letters from persons in England etc, and the *best evidence* in regard to these letters is that of the alleged writers. The real point it seems is that, although on the one hand they

argue that the evidence of experts in handwriting and typewriting is not conclusive, at the same time the defence wish to challenge the genuineness of these letters by producing the alleged writers to deny their genuineness. It does not appear to be realised that the mere denial on oath by an alleged co-conspirator or indeed by anyone that he wrote a letter bearing his signature cannot for obvious reasons be regarded as very convincing evidence to rebut an inference of genuineness arising from circumstantial evidence.

Secondly Mr. Sinha argues that the activities of "other organisations" must be proved through *their representatives*. For, he says, the methods of all Labour organisations whether connected with the 2nd or the 3rd International are identical up to a point and therefore to enable any accused to prove his activities consistent with his not being a Communist direct oral evidence of representatives of Non-Communist organisations is "necessary". This argument misses the point that the mere fact of his being a Communist will not cause any accused to be convicted in this case while equally the fact that he is a follower of the 2nd International will not save him from conviction if the evidence shows him to have participated in the conspiracy alleged in this case. It further misses the point that oral evidence in a matter of this kind that is to show the aims, objectives and activities of bodies affiliated to the 2nd International (para 3 (c)) is certainly not the best evidence, and cannot therefore prima facie be regarded as necessary. The prosecution is hardly likely to object to the resort by the Court to appropriate documents or books of reference such as official publications of the 2nd International or "other bodies" referred to in the application. Lastly Mr. Sinha referred to a suggestion by the prosecution that Bradley and Spratt accused though receiving their salaries from the Workers Welfare League in England were really being paid by the Comintern and said that the defence wanted to call oral evidence to prove that the payments made by the Workers Welfare League were from that organisation's own funds. It is hardly necessary to point out that the burden is on the prosecution to satisfy the Court by convincing evidence of the correctness of their contention and that if they succeed oral evidence of the kind suggested is almost valueless as a means of rebutting it. The above and the case of Mr. Upadhya, Secretary of the Indian Seamen's Union, London, whom Mr. Sinha said the accused did not know and would like to see in the flesh, were the only positive cases of persons alleged to be able to give relevant evidence to which Mr. Sinha referred. It does not appear to me that these cases and the vague allegations contained in the application provide me with material for holding that the evidence which the accused would like to obtain from England or the Continent is necessary. This is a defect which may possibly be remedied in

the course of the trial and it is partly for this reason that the mention of section 114 of the Indian Evidence Act at this stage appears to me to be premature.

I proceed next to the second point namely that there is a burden on the prosecution to place all relevant materials before the Court. It will be apparent from what I have said above that it is at least an open question how far the evidence suggested by the applicants can be called relevant material. In any case I doubt if the proposition as stated is legally correct. If the prosecution knows that a man charged with murder relies on an alibi which they regard as fabricated is there any burden on the prosecution to place before the Court the evidence of that alibi on the ground that it is relevant material? I think not. The burden is on the accused. The prosecution are only bound to place before the Court the materials which they regard as relevant, and if e.g. the materials they have available lead to an inference that a particular person wrote a particular letter I regard it as incorrect to suggest that there is any burden on them to produce the alleged writer of the letter to give him an opportunity of denying his authorship.

Coming to the 3rd point, the prosecution i.e. the Government of India have though their connection with the Home Government in London been able to get certain officials of that Government sent out to give evidence in India. They clearly had not and have not power to do the same in the case of the private persons named as witnesses by the applicants.

Lastly I take the point that the Crown is preventing these persons from coming to India and thereby withholding their evidence. The facts are to some extent in doubt. The Government of India have said to the applicants that they can give no undertaking that passports will be granted to persons coming from outside India to give evidence or that such persons will not be arrested if they have done anything which renders them liable under the law. Mr. Sinha says that the Government of India in their letter do not deny that they have the power to get passport issued, and that in point of fact the Government of India do through the High Commissioner or the India office control the grant of passport or of Indian visas to enable persons wishing to do so to enter India. He says he is instructed that certain persons have applied for passports to enable them to come to India to give evidence in this case and that passports have been refused. These are matters of *proof* into which I cannot enter now. I noticed that Mr. Sinha did not in his opening argument argue the plea that refusal to give any undertaking in regard to prosecution amounted to withholding evidence. In his reply however he did press that point also.

I must therefore observe that the grant of refusal of immunity from prosecution temporary or otherwise, to witnesses does not appear to me to have any true relation to the allegation of withholding evidence. If those persons choose to come to India they will I think be legally competent to give evidence and can be summoned to do so even if they are in Jail at the time. But if persons who might be able to give relevant evidence do not choose to put themselves in a position to be summoned because they are afraid of the consequences that is unfortunate for the persons who would like to summon them and that is all that can be said. I am unable to hold that there is any burden on the Crown to grant any immunity. It follows that the refusal to do so cannot raise any presumption under section 114 of the Evidence Act.

To sum up my conclusions, I hold that this Court has no jurisdiction to give the direction to the prosecution stated in the first prayer, or to issue a Commission for the examination of witnesses in England or the places outside India; as regards the 3rd prayer it is in the first place unnecessary, and in the second place premature however for the sake of convenience and in the hope that it may possibly facilitate argument on the point at the end of the case or suggest to the applicants some line of action which they may take in regard to getting their witnesses before the Court. I have set out some of the points as this appear to me at this stage of the case.

(Sd). R. L. Yorke.

August 4-1930

Addl. Sess. Judge.

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#### ORDER.

In the course of his evidence Sardar Sant Singh P. W. 168 stated that he obtained 2 letters Exhs P. 2093 and P. 2094 from sources; that is to say they were given to him by persons whom he did not name. In cross-examination he was asked to give the names of the persons from whom he had obtained these letters. The witness thereupon asked that in view of section 125 of the Indian Evidence Act he should not be compelled to disclose the names of his 'sources'. Section 125 I. E.A. provides that "no Police Officer shall be compelled to say whence he got any information as to the

commission of any offence." Speaking generally the section has been interpreted in what I might call a wide sense, vide the ruling reported in I. L. R. 42 Calcutta page 957 at page 962 (headnote, and 1025.

Mr. Sinha for the defence takes specifically the case of P. 2094 and argues 2 points (1) that this letter is not information as to the commission of an offence but merely evidence to support the prosecution: (2) that the facts sought to be elicited by the question are necessary in order to enable him to prove that P. 2094 was written, if written by his client Joshi at all, after his arrest on March 20, 1929, that is from the jail, and is therefore to be considered inadmissible in evidence against him.

As regards the first point the question is as to the meaning of the words "any information as to the commission of any offence." Mr. Sinha's suggestion is that it carries only the very narrow meaning any information that an offence has been committed." In that case I do not think the words "as to" would have been used: those words appear to me rather to mean "relating to" or "in regard to" and to cover information leading to the disclosure of evidence as well as information leading to the disclosure that an offence has been committed. In view of my decision on this point the second point does not really arise. But even if it did I should find it difficult to hold that the facts sought to be elicited were necessary in order to enable the date of this letter to be decided. They do not appear to me to be so. Crown Counsel on the other hand has indicated a number of reasons for supposing the letter to have been written from outside jail at least a month before Joshi's arrest. The time for deciding that question has however not yet come.

The law on the point seems to me clear and the question must therefore be disallowed.

(Sd). R. L. Yorke

D/ 30 th August 1930

Add: Sess: Judge.

## O R D E R

The Crown seeks to prove by the evidence of Mr. B. R. Mankar two speeches in English made by Hutchinson accused on March 26, 1929 and May 1, 1929 respectively. Admittedly the complaint in this case was filed on 15. 3. 29 and the last arrest of the first batch of accused took place in Bombay on or about March 25, 1929.

Mr. Sinha objects first that these 2 speeches are inadmissible u/s 10 of the Indian Evidence Act against accused other than Hutchinson because after their arrest the conspiracy was at an end so far as they were concerned therefore so far as they were concerned anything done by Hutchinson after their arrest was not done by him as a co-conspirator. There is some support for this view in a passage at page 597 in the ruling reported in 15 Calcutta Law Journal page 517, but I note that though the handnote implies otherwise the point was never decided; the passage in fact begins with the words "it may be contended." It might equally I think be contended that such acts come within the scope of the illustration to section 10 as acts which took place after those accused left the conspiracy. Ultimately Counsel on both sides agreed that the question of applicability of section 10 need not necessarily be decided at this stage and might be left for the present.

Secondly Mr. Sinha argues that this trial can only take place with regard to events which occurred before the complaint was filed: and that as this is a case of something 'said' and in a conspiracy case anything said which can be evidence against one accused can be used u/s 10 I.E.A. against the rest therefore the effect of holding a piece of evidence inadmissible u/s 10 against the other accused is that it must also be struck out against that one accused. This proposition does not seem to me to be sound.

On the main point at issue whether speeches made by Hutchinson after March 20, 1929 are admissible in evidence against Hutchinson himself, Mr. Sinha relies first on the ruling reported in I.L.R. 38 Calcutta page 169 (at page 177) but that ruling does not in my opinion support his contention. It was there decided that a subsequent statement of one accused who was at the time under arrest along with the other accused was usable as a confession u/s 30 I.E.A. though not u/s 10: that is it was in any case good evidence against the accused who made it. The Crown relies for the admissibility of this evidence against accused Hutchinson on section 14 of the Evidence Act and on the ruling reported in I.L.R. 46 Calcutta at page 702. The latter is clearly good authority for the view that a statement not admissible u/s 30 or S.10 I. E. A. is still generally admissible against the person making it. But Mr. Sinha contends that speeches made after the arrest

of other accused and after 15th or 20th March 1929 can only be evidence of Hutchinson's state of mind at the time they were made and not during the currency of the conspiracy. He urges that each of these speeches must be considered by itself and each must contain internal evidence that it is proof of Hutchinson's state of mind during the conspiracy. He also argues that a statement of an accused whether free or in confinement subsequent to the arrests of the generality of the accused can only be admitted if it amounts to a confession, which is not the case here. Crown Counsel I understand concedes that if these speeches do not go to show Hutchinson's state of mind in regard to the conspiracy on March 20, 1929 they must go out.

It appears to me that it is impossible to treat each of these speeches independently. Clearly the only way to examine them is by comparison with the speeches made by this accused before March 20, 1929, and for this purpose they must be admitted and examined. Unless there is some marked difference in tone or something indicating that after March 20 there had been a change of view they may clearly be regarded as evidence corroborating any inferences from the earlier speeches. From this point of view I have read over the whole of Hutchinson's speeches. Prima facie they appear to indicate that Hutchinson was of the same state of mind on the subjects dealt with at the time of the last i. e., on 1st. May, 1929, as he was at the time of the first i. e., on 3rd. February 1929, as indeed might naturally be expected. Similar subjects recur in all the speeches and similar sentiments are expressed in regard to them. As evidence of his connection with the alleged conspiracy (so far as they can be regarded as evidence of it at all, a matter for argument at a later stage) these speeches seem to me to be all on the same footing. What their value is is after all not to be decided at this stage but they are in my opinion all relevant and admissible and the objection to their admission must therefore be disallowed.

Sd/- R. L. Yorke

Add: Sess: Judge.

D. 25/11/30;

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O R D E R

Accused Shibnath Banerjee applies to this court through his Counsel Mr. D. P. Sinha requesting that certain steps be taken to secure that certain persons from outside India be brought before the Court to give evidence on his behalf on matters arising out of the evidence of Mr. H. N. Brailsford, a defence witness who was called by this Court as a Court witness, u/s 540 C. P. C. at the special



request of accused Desai and Ghosh on the ground that he was present in India temporarily and would soon be leaving and not be available later to be called as a witness. This Mr. Brailsford I may note is No. 150 in the list of Defence witnesses tendered in the Lower Court on 11. 1. 30 by some accused and by Mr. Ansari on behalf of a number of others one of whom was the present applicant.

The first ground on which this application is put forward is that applicant had no inkling of the evidence the prosecution would obtain from this witness and was taken unaware and was unable to get the statements contained in Mr. Brailsford's answers fully explained by him. It may however be noted that the main facts which that witness proved in respect of Banerjee were certain statements made to him by Banerjee himself and it is not he but Banerjee who can explain those statements.

The second and main ground however is that these facts should not be left to stand by themselves but should be supplemented by other evidence in order that the whole of the facts should be before the Court. Mr. Sinha expressed himself as prepared to defend on its merits the relevance of the evidence expected to be given by each of the witnesses named in the list which forms part of the application but in view of the fact that in my view this Court has no power to pass the orders sought I did not ask him to do so.

The prayers contained in the petition are two. The first is that the Court may order the prosecution to produce the witnesses named by applicant. As I stated in my order dated 4th August 1930 on the application of Bradley and Muzaffar Ahmed accused the Court has no jurisdiction to order the prosecution to produce witnesses. This prayer therefore cannot be granted. The second prayer is that the Court may order the prosecution to bear the expenses of these witnesses being brought before the Court. Here the matter is governed by section 544 C. P. C. and the rules made thereunder. Those rules permit the Court according to certain scales to order payment by Government of the expenses of a witness summoned to appear before it. But this Court cannot summon the witnesses named in this petition to appear before it unless and until they are present within the limits of British India and thereby subject to the Code of Criminal Procedure. And in any case the occasion for ordering payment on the part of Government does not arise under the section itself unless and until the witness actually attends the Court. The Court is not empowered to order money to be paid as an advance to enable witnesses to come. No question of ordering the "prosecution" as such to bear such expenses arises.

In my opinion these 2 prayers are for orders which in the one case this Court has no jurisdiction to pass at all, and in the

other no jurisdiction to pass at this stage if indeed it can do so at all to the extent implied in the application.

The application must therefore fail.

Sd/- R. L. Yorke.

Addl: Sess: Judge.

D/ 20th December 1930.

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### ORDER

The prosecution has tendered evidence (vide P.W.'s 251 and 252) as to the recovery from one V.H. Joshi at Bombay on 4.2.30 of a document in the handwriting of S.A. Dange accused which they ask should be admitted in evidence (1) against Dange accused himself and (2) u/s 10 of the Indian Evidence Act against the other accused.

This document Exh P. 2512 is headed "the Situation in India" and consists first of a partial examination of the economic situation in India and secondly of a study of the political situation in India from a "revolutionary" and "class" standpoint, with special reference to the position of the Workers and Peasants Parties. It goes on to discuss the immediate situation in connection with the accused in this case and in this portion also contains considerable material of value as showing the existence of a conspiracy and the part taken both before and after their arrest by some of the accused. Inter alia evidence shows the document to have been written a part at least after January 25th, 1930.

For the Crown it is contended that applying Sections 17, 18 and 21 of the Indian Evidence Act this is a statement suggesting an inference as to a fact in issue or relevant fact made by a party to the proceedings and is therefore relevant and can be proved as against the person who has made it, that is against Dange accused himself. With reference mainly to this aspect Mr. Sinha has addressed a number of arguments to the Court. First he says the appearance of the document and the form of its contents (it is written on sheets whose edges have been cut roughly (possibly with scissors) for no apparent reason) suggest that these are rough notes from something dictated by someone else, that is that it is not something for which Dange accused is himself responsible. Some passages are incomplete

and others would be unintelligible to anyone not conversant with all the facts referred to. It consists in fact (he suggests) of notes from some other document for which Dange accused is not proved to be responsible. These may even be merely notes prepared for the use of V.H. Joshi himself to enable him to help Dange in his defence. Mr. Sinha also points to the fact that the document is not signed or dated or addressed to anyone and urges that the mere fact that it is in Dange's handwriting cannot saddle him with responsibility for it, more especially as the mention of Dange and D. in it itself implies that he is not the real author. (This last fact is however obviously explained by the fact of its being unsigned.) Mr. Sinha also laid stress on the absence of apparent purpose in writing the document. That has more importance in relation to section 10 I.E.A but in view of the contents and the circumstances of its seizure I feel no difficulty in inferring what the purpose of writing it was. In my opinion the inferences arising from the handwriting and the circumstances in which the document was recovered are irresistible. In the absence of rebutting evidence I must hold that the document is one for which Dange accused is himself responsible and which in view of its nature can be proved against him as an admission.

Before I deal with the admissibility of this document under section 10 of the Evidence Act I must make some remarks on the circumstances of its recovery and on one or two other small matters. The evidence shows that it was found on a search of Mr. Joshi who with two other men was seen moving about in a suspicious manner on the wharf just about the time of final medical examination of the crew of the S.S. Trifels which sailed from Bombay within an hour of the occurrence. The circumstances coupled with the fact that the document is as Mr. Sinha says worded in an allusive manner such as would not be understood except by someone in touch with the matters dealt with, clearly suggest that the document was brought to the place of its recovery in order to be given to someone of the crew with a view to its conveyance to someone outside India who would understand it. That is, the document by the circumstances of its recovery and by its own nature would appear to be a communication from one conspirator to another.

Coming now to the question whether this document is admissible u/s 10 of the Evidence Act against accused other than Dange Mr. Sinha urges that much of the contents may not be within Dange accused's direct knowledge and that it in fact consists largely of criticism, a form of indirect evidence. He suggests that to make the document admissible the contents should be proved to be matters of the author's direct knowledge. It seems to me that the burden of proof lies on the accused here. Secondly, he urges that although the wording of section 10 is wide still the phrase in the illustration "a letter giving an account of the conspiracy" cannot

be intended to include a letter giving an account of (or containing admissions about) past events: for as the thing to be proved must be something said "in reference to their common intention" it must be something done during the pendency of the conspiracy i.e., at least before March 20, 1930, since the "intention" is now no longer an intention but a completed thing, one way or another. This argument appears to me unconvincing. Lastly he urges that following the principles applied in the rulings reported in I. L. R. 38 Calcutta pages 177/8 and I.L.R. 46 Calcutta page 702 along with 15 C. L. J. page 517 (597) the Court should hold this statement not admissible u/s 10 of the Evidence Act.

An argument was put forward in this connection with which I must now deal namely that this document if it is an admission is also a confession and therefore barred by section 26 I.E.A. [Note:— This argument was really also applicable on the question of the admissibility of the document against Dange himself and I do not know why learned Counsel reserved it for the end of his arguments.] "Confession" is not defined in the Evidence Act but a confession is clearly an admission within the meaning of the Act. But it does not appear to me that a statement admissible as an admission by an accused person is in all cases necessarily a confession, at any rate in the ordinary sense of the term. Mr. Sinha on the other hand has referred me to the discussion on pages 216 following of Woodroffe and Ameer Alli's law of evidence relating to British India (8th Edition) for the legal meaning of confession. This is given on page 216. In the course of this discussion the main principle in regard to confessions is stated in very clear terms on page 217 namely that "The principle upon which the reception of confessions depends is the presumption that a rational being will not make admissions prejudicial to his interest and safety unless when urged by the promptings of truth and conscience. "That is a principle applicable to statements made for example to a Magistrate or to a 3rd party as in extra-judicial confessions, but admissions which are not intended or expected to come into the hands of the opposite party contained in a communication on the contrary intended only for the eyes of a fellow conspirator, fall within a different category. As is further remarked at the foot of page 217 there is this condition precedent to the admissibility of self-harming evidence in criminal cases that the person against whom it is adduced must have supplied it voluntarily or at least freely: that is it must not be tainted by any suggestion of being made under duress or inducement given by a person in authority. Mr. Sinha argues that this document was according to the case for the Crown (& as its own contents show) written after the accused had been long confined in the Meerut Jail

as under trial prisoners, and is therefore, barred by section 26 of the Indian Evidence Act. In point of fact the burden of proof here seems to me to be on the accused. Admittedly the accused do spend a large part of every day in Police custody while in court and in transit to and fro from Jail to Court but this document took a longish time to write and is far more likely to have been written in the Jail out of Police custody. Even if it was written in court I find it difficult to regard a document of this kind which has the nature not of a confession but of a communication between co-conspirators, written by an accused inside the court during court hours as "a confession made by a person in the custody of a police officer". The very phrase "making a confession" appears to me to involve something quite different from writing a communication to a co-conspirator. No doubt a police constable or even the sergeant in charge of the escort might have seen Dange writing this document in Court if he did write it there but it has not been the practice to exercise any supervision over the accused's writing in court. Wherever this document was written there cannot in my view be any doubt whatever as to its 'voluntary' nature. In my opinion the admission of this document is not barred by section 26 of the Evidence Act.

The above facts are also important in considering the application of Section 10 of the Evidence Act. In his argument Crown Counsel has discussed the rulings quoted above one by one and urged that the discretion of the court to use this document under section 10 is not hampered by any of them. He points out that as stated in Woodroffe and Ameer Ali's book referred to above the principle underlying section 10 is that of agency. The courts have rightly held that it is not to be supposed that a confessing accused could be authorised by his co-accused to make a confession on their behalf. In 46 Calcutta the statement under discussion was one made by an accused to a Magistrate the day after his arrest implicating co-accused; it was not a confession and not admissible against co-accused u/s 30 of the Evidence Act and at the same time on the general principle above stated it could not be admissible under section 10 since no principle of agency could authorize one accused as agent to charge his co-accused while exculpating himself. In the case reported in 86 Calcutta an accused made a confession and the High Court remarked that section 10 of the Evidence Act was in their view intended to make evidence "*Communications between different conspirators, while the conspiracy is going on, with reference to the carrying out of the conspiracy.*" Mr. Sinha places his reliance on the italicised portion of this pronouncement and urges as has been done frequently in this case that for those accused the conspiracy, that is the conspiracy with which they are charged, ended on their arrest. Now it is absurd to suppose that the conspiracy alleged by the Crown in this case ended say on March 20,

1929 because some conspirators, and those too only in India, were arrested. In point of fact this very letter shows that it did not end even for those who were arrested. As it seems to me in cases like the present one conspiracy is obviously a continuing offence and in fact the wording of the illustration to Section 10 implies that as it admits against an accused facts which took place even after that particular accused left the conspiracy.

As regards the fact that accused are charged only in respect of the conspiracy prior to 20. 3. 30 I do not think that is any help. If facts which take place after someone has left a conspiracy can be adduced in evidence against him I see no reason why facts subsequent to the complaint should not also, more particularly when their nature is as here. For these are facts bearing also on the part taken by other accused as well as Dange and indicating that they took a part before their arrest, and indeed that though arrested they have never left the Conspiracy.

Mr. Sinha in this connection relies on certain sentences in the ruling reported in 15. C. L. J. at page 517. The particular passage is on page 597 and is as follows: "When persons have been taken into custody and are in a condition which makes it impossible for them to act in aid or furtherance of the conspiracy, that is, when so far as they are concerned the conspiracy has come to an end, it may be contended that acts of persons who were members of the conspiracy and who are still free to act in pursuance thereof, are not admissible as against them; these acts indeed, can no longer be deemed the acts of co-conspirators." There are 2 important points here: first this is not a ruling (it would be an obiter dictum if it was) but a statement of an argument as to the soundness of which the court ultimately found it unnecessary to decide. Secondly the suggestion made was not that an act or saying in reference to the common intention of one of those taken into custody would not be admissible against him and his co-accused but that an act of those outside and still free to act should not be admitted against persons unable to take any further part. It is not possible in my opinion to derive any assistance at all from this decision.

Moreover turning back to 38 Calcutta we find that in the very next 2 sentences the Judges further modified their pronouncement by saying; "No doubt section 10 is wider than the law of England as to evidence in cases of Conspiracy. But we do not think that that section is intended to make evidence the confession of a co-accused and put it on the same footing as a communication between conspirators, or between conspirators and other persons, with reference to the conspiracy." That is to say the learned Judges regarded such communications as definitely admissible and that is prima facie the position as I see it here.

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This is not the stage to decide in regard to the weight or value to be attached to this document. Merely taking it at its face value it appears to me that it is admissible both against the writer himself and against other accused and I accordingly admit it in evidence.

(Sd) R. L. Yorke

D/6th: Jan. 1931

Add: Sess: Judge

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### ORDER

Mr. Sinha on behalf of Thengde and Banerjee accused objects to the evidence given by Gaya Pd. P.W. 272, the officer of this Court in charge of the Exhibits, on 2 matters: first to prove the signatures and writings of some of the accused on a number of papers which on the strength of his evidence have been used as standard writings or signatures for the purpose of comparison with other writings or signatures alleged to have been made by those persons, secondly to prove a specimen piece of type-writing alleged to have been made with Adhikari accused's type-writer.

In regard to the first of these pieces of evidence Mr. Sinha argues that these are all documents addressed really to the Court which the witness took from accused in the course of his official duties and that there is a certain 'privilege' attaching to documents addressed to the Court. In this connection he refers to page 638 of volume 1 of Taylor on Evidence, 11th Edition, and puts forward the plea that on grounds of public policy such documents as these which are routine applications to the Court or receipts which court officers require for articles given to accused should not be allowed to be used in evidence in as much as by their being allowed to be so used the accused will be prevented from having that free access to the Court which they should have, and will also in effect be made involuntarily to provide self-harming evidence. For the Crown it is contended that such writings as these cannot possibly be classed as admissions and that no question of privilege arises in regard to "matters of observation"; for example a solicitor can be called to prove his client's hand-writing. In my opinion there can be no question of privilege in the matter. Moreover, looking at the matter from another angle, when the Court is by para 2 of section 73 of the Evidence Act given the power to direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any

words or figures alleged to have been written by such person, I do not see how it can deprive itself of the power to use for comparison equally indisputable writings of the same person merely because they were written for routine purposes in connection with the case. On the contrary that very fact would be in favour of allowing them to be used as less liable to be the subject of attempts at disguise than writings written under the Court's direction.

Turning now to the evidence in regard to the specimen writing stated to have been taken from Adhikari's typewriter, Mr. Sinha begins by pointing out that the Additional District Magistrate ordered this machine to be returned to accused on 20th November 1929 and this was done; there is no order on the file to the effect that the machine should be taken back for the purpose of obtaining a specimen writing; the Magistrate he says could not get anything typed on *that* machine without ordering its recall. In my opinion there is no force in this argument; no attempt was made to establish by cross-examination of the witness that there could be any room for doubt as to the identity of the machine which, as the witness has explained, was brought back from the Jail the very next morning. Such cross-examination might have enabled the witness to banish any sort of doubt; in its absence no doubt arises. I must therefore hold that the specimen writing was made as the witness has described with the machine returned to Adhikari as his property at his request the previous day.

Mr. Sinha however further urges that it is only the Court which can make the comparison allowed by the 2nd para of section 73 of the Evidence Act. In this connection he referred to the ruling reported in I. L. R. 37 Calcutta page 467 (at page 503) but in my opinion this ruling really supports the view that such comparison may and in fact should be made with the assistance of experts. Mr. Sinha argues the contrary on the view that such a direction as is contemplated in para 2 of section 73 is really a kind of extension of the examination of an accused contemplated by section 342 C. P. C. I can only say that I do not agree with this view, and am of opinion that on the analogy of the rules in regard to writing and finger impressions contained in section 73 the Court can have specimens of type-writing taken and can make a comparison of these, using them as standards, with questioned documents, with the assistance of experts in such matters.

On the above views both these objections must fail.

Sd/- R. L. Yorke

Addl. Sess. Judge

D/- 30th January 1931.



Note:— The Defence were asked some days ago to state their position in regard to the tendering of Mr. Horton by the prosecution for cross-examination. On the matter coming up in Court on 3-2-31 Senior Crown Counsel stated that the prosecution did not propose to call Mr. Horton as a witness or to apply to the Court to bring his statement on the record. They would however call formal evidence of the sanction and the complaint. Mr. Sinha then said that the position of the accused, as after consultation he understood it, was that if the statement of Mr. Horton were to be brought on the record whether by the prosecution or by the Court of its own instance they would wish to exercise the right to cross-examine him. Apart from that there was nothing to induce the defence to require Mr. Horton's attendance in the witness-box; and no grievance would be put forward in regard to his non-appearance. No undertaking could be given in regard to any legal argument in regard to a defect in the case arising from non-examination of the complainant. This view Mr. Sinha put forward as that of all the accused. The Court there upon asked all accused in Court if they wished to say anything. No one made any reply. Crown Counsel then proceeded to explain that Mr. Horton was on a year's leave having gone home ill to undergo an operation and unless it was vitally necessary he would not wish to drag him back to India although it was the normal procedure to produce in the Sessions Court a witness who had been produced in the Lower Court. The possibility of a legal defect was one of which the prosecution would run the risk.

Since hearing the views of parties I have read over Mr. Horton's statement in the Lower Court and cannot see any way in which the necessity could arise for the Court to call for proof of it and take it on the record. In these circumstances there is clearly no need for Mr. Horton to be called as a witness.

Sd/- R. L. Yorke

Addl: Sess: Judge

D/12 th: February. 1931.

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### ORDER.

Mr. Sinha for Thengdi and Banerjee accused objects to the use of P2552 as a standard writing of one C. Krishna Swamy Iyengar of Madras the alleged writer of certain letters of some importance in this case, namely the originals of P 2121 (P1) and P(2)

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words or figures alleged to have been written by such person, I do not see how it can deprive itself of the power to use for comparison equally indisputable writings of the same person merely because they were written for routine purposes in connection with the case. On the contrary that very fact would be in favour of allowing them to be used as less liable to be the subject of attempts at disguise than writings written under the Court's direction.

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On the above views both these objections must fail.

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Since hearing the views of parties I have read over Mr. Horton's statement in the Lower Court and cannot see any way in which the necessity could arise for the Court to call for proof of it and take it on the record. In these circumstances there is clearly no need for Mr. Horton to be called as a witness.

Sd/- R. L. Yorke

Addl Sess: Judge

D/12 th: February. 1931.

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### ORDER.

Mr. Sinha for Thengdi and Banerjee accused objects to the use of P2552 as a standard writing of one C. Krishna Swamy Iyengar of Madras the alleged writer of certain letters of some importance in this case, namely the originals of P 2121 (P1) and P(2)

and P 2169. His point is that it is not proved to the satisfaction of the Court that P:2552 has been written by the said Iyengar. The Crown relies on 2 points in proof of the matter. First it pointed out that a notice P 2524 was served by order of the Lower Court on this Iyengar: evidence of the service of this notice and that the said Iyengar signed it is on the record (vide statement of Inspector Abdul Sattar P. W. 258). It was clearly in reply to this notice that P 2552 was written and the Court may draw the inference that it was written by the man who received the notice since no one else of that name was served with such a notice, and no other answer has been received. Secondly the evidence of Mr. Stott also shows that P 2552 was written by the same person P-2524 who wrote <sup>P 2524</sup> and on this evidence both P 2524 and P 2552 may be used as standards for comparison with other questioned document

Mr. Sinha objects that there is no presumption that the handwriting of the body of a letter is the handwriting of the person who purports to be the writer, even if there may be such a presumption about the handwriting of the signature. (This is for the use of the "body writing" of the reply.) Further for service of the notice on Iyengar he says that none of the addresses was used to which intercepted letters alleged to have been addressed to the same man were addressed and also there is no evidence that inquiry was made to ascertain whether the Iyengar referred to in the intercepted exhibits, that is the Iyengar of those addresses, is the same who lives 18 Venkatachala Chetty St. Triplicane, Madras. Lastly he urges that the use of a "chain" of standards is not contemplated by the law, and that "standard writings" must be proved by other evidence distinct from that of the handwriting expert. Personally I can see no sound reason for holding that the evidence of the handwriting expert should not be used either by itself or along with other evidence in order to bring a document within the category of standards that is documents admitted or proved to the satisfaction of the Court to have been written or made by the person concerned. As regards Mr. Sinha's other points I hardly think any question of presumption arises: but in the ordinary course of things outside offices a man who sends a letter usually writes both the letter and the signature. Secondly as regards the addresses, as these were in all cases plainly mere cover addresses I do not think that service of notice on Iyengar at those addresses would have served any purpose. Moreover that is a matter which really relates rather to the question whether the Iyengar to whom certain intercepted letters were addressed is the same as the Iyengar who was served with notice (a matter to be decided later but <sup>not</sup> necessarily now) and not to the question whether the Iyengar served with a notice is the person who wrote P 2121, P 1 and P 2 and P 2169. As regards the point about "inquiry" the same remark applies, and the point to be ascertained thereby was the very point to be proved, and

evidence as to inquiry and its results could be of little value, if indeed admissible at all.

Taking all points into consideration I am of opinion that for the purpose of using P 2552 as a proved writing of the said Iyengar the evidence of the expert coupled with the other facts is sufficient to establish that the same Iyengar both signed the notice P 2524 and wrote the reply to the notice P 2552, and I therefore permit these 2 documents to be used as standards for comparison with the documents P 2121 P1 and P2 and P. 2169.

(Sd.) R. L. Yorke,

Dated 12th Feby. 1931.

Add: Sessions Judge.

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#### ORDER.

An objection was raised some time ago and argued by Counsel in regard to the admissibility of Exhs P 1512 and P. 1512 A. These exhibits consist of a letter from M. N. Roy (which with its enclosures was intercepted in the post) to a firm of publishers at Calcutta asking them if they would publish a book of his on "Revolution and Counter Revolution in China," and a summary of the contents of the book. I may remark first of all that to my mind the terms of the letter and the very full summary of the contents enclosed clearly imply that the writer had already written the book and had the manuscript ready to send.

Mr. Sinha contends that P 1512 is a mere forwarding letter addressed to some one quite unconnected with the Conspiracy and that neither it nor P 1512 A is "something written with reference to the common intention" of the persons taking part in the Conspiracy. For the Crown it is contended that P 1512 A is Roy's own summary and a means of proving that Roy had written in this book that the views thus proved to have been expressed show that the book was written with a view to propagating a Communist Revolution in India by showing the same sentiments to be behind the movement in China as are suggested to be behind it in India and suggesting that the same methods should be followed. This end namely the propagation of the revolution, was to be secured by getting the book published in India. For the rest P 1512 is itself a clear admission on Roy's part that he had taken an important part in the world Communist Revolutionary movement. In reply

Mr. Sinha contends that the use of Communist terms in this book has no application as the case relates to a Communist revolution in India and not to one in China. He further says that Roy's admissions about the part taken by him in and his residence in China have no particular relevance in this case for similar reasons.

It seems to me clear that this letter and enclosures were a writing with reference to the common intention to carry on the present conspiracy in India, the object of them being to get published and circulated in India a book which would help the conspiracy there, by suggesting suitable methods and tactics to the revolutionaries in India under the guise of relating what had happened in China, and at the same time suggesting to the public that the communist movement is a good thing in itself. Incidentally P 1512 is itself a clear admission of Roy's part in the very communist movement which his summary shows he commends to the admiration of the future readers of his book. In my view this evidence is admissible and the objection is accordingly over-ruled.

(Sd.) R.L. Yorke

Dated 12th Feby. 1931.

Add: Sess: Judge.

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### ORDER.

The prosecution applied to the Court to recall a witness S.F.A.K. Sen P. W. 97 in order to explain a piece of evidence said to have been given by him under a mistake at an earlier stage of the case. On the appearance of the witness and before his examination Mr. Sinha objected to his examination on several grounds. First he said there was no provision in the Code of Criminal Procedure entitling a party to recall a witness in order to rebut an inference or a piece of evidence elicited in cross-examination. Secondly he argued that if this witness were to be allowed to correct his statement the defence should be allowed to cross-examine certain other witnesses again it appears to me that the point is that the defence should be allowed to cross-examine this witness in regard to his explanation so far as I can see no question of further cross-examination of any other witnesses would arise in any case the argument was not taken further or made more explicit.

Crown Counsel then explained the position more exactly and pointed out that in his original evidence this witness proved that a certain letter was intercepted in the post, the envelope was photographed and the letter was copied in his presence by a typist:

(14, 2)

a typed copy was then shown to the witness who thought it was one of those simultaneously typed in his office and sent out according to the usual practice to the D. I. B. Simla and Delhi, the Chief Secretary to the Government of Bengal and the Bengal Police Special Branch, and deposed accordingly. In consequence of this witness's cross-examination coupled with that of a subsequent witness at P. I. Gaya Pd. Court Officer P. W. 274 the prosecution instituted inquiries and found that the copy which had been shown to this witness and proved by him was not one of the original copies but a copy made in Simla or Delhi at a latter date from one of the original copies. They urged that now that the true facts had been ascertained the Court must be put in possession of them, and the witness given the opportunity to explain his mistake.

In reply Mr. Sinha urged that the prosecution should not be given an opportunity to produce evidence a second time of a document about which the first evidence was found to have failed and in fact was proved to have been false. This was really an attempt to substitute one piece of evidence for another in a manner unknown to the Code of Criminal Procedure and for a purpose for which section 540 C. P. C. could properly be used. He contended that the evidence now sought to be tendered was not "essential to a just decision of the case." In continuation of this argument Ghosh accused urged that the Court should not examine a witness to correct a defect due to the carelessness of the prosecution or defects in the system whereby such copies of intercepted letters bore no signature of the intercepting officer. Dange accused also argued that the evidence sought to be given was on the same footing as an attempt to substitute a second will as genuine in place of one proved to have been fabricated, an obviously false analogy, since this is not a case in which a witness has deposed to handwriting. Crown Counsel in reply urged that it was essential that the Court should not be misled in regard to any relevant fact about which the parties knew incorrect evidence had been given and that the fresh examination of this witness was essential in order to ascertain whether the incorrect evidence had been given by mistake or not.

I have carefully considered the provisions of section 540 C. P. C. and the commentaries thereon of Sohoni and Mitra. The discretion given by the first part of the section is very wide. As regards the second part, in the circumstances as they appear from Crown Counsel's statement it appears to me that it is essential in the interests of justice to get the position in regard to this letter cleared up and to receive on the record, if it is available and if the original evidence is incorrect and is shown to have resulted from a genuine mistake, the proper legal evidence of the contents of this letter. Mistakes have to be corrected every day and may occur in trials as much as anywhere else, and if they do occur and are

capable of correction it seems to me that it is essential to the just decision of the case to correct them and not to omit a piece of relevant evidence because a mistake has occurred in connection with it.

The objection was summarily over-ruled after hearing arguments and a note made in the file that I would perhaps deal with the matter more fully at a latter date. For the reasons given above I hold after fuller consideration that the objection was without force. I over-rule it accordingly.

(Sd.) R. L. Yorke,

Dated 17th Feby. 1931.

Addl. Sess. Judge.

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### ORDER.

Mr. Sinha on behalf of accused Thengde and Banerjee objects in connection with P. 2486 the complaint against Hutchinson and Amir Haidar accused, the signatures and writing on which of Mr. R. A. Horton and Mr. R. Milner White are proved by P. I. Gaya Pd. P.W. 272, that this complaint was not properly presented and as much as it was presented to and accepted by Mr. Milner White who was at the time Additional District Magistrate of Meerut and not "the" District Magistrate.

The position is that in a case of this kind section 196 C. P. C. requires the making of a complaint. Such complaint must obviously be made to a Magistrate having power to take cognizance, vide section 190 C.P.C. It is urged that Mr. Milner White was not a Sub-Divisional Magistrate or Magistrate specially empowered in this behalf and that he was not a District Magistrate in the sense in which the word is used in section 190(1) C. P. C. The argument is that by the words "any District Magistrate" that section only empowers a person who is "the" District Magistrate to take cognizance of an offence upon complaint. Mr. Milner White was not "the" District Magistrate and therefore he was not empowered to take cognizance on a complaint presented to him. Either this complaint should have been presented to Mr. Edye and he should have transferred it to Mr. Milner White to inquire into, or Mr. Milner White should have been specially empowered to take cognizance of it.

The Local Government's Notification appointing Mr. Milner White as an Additional District Magistrate in Meerut is to be found



in the U. P. Gazette for May 25, 1929, at page 437 of part I as No. 2281/C VI dated 27. 5. 29, and is in the following terms:- "Under section 10(2) of the Code of Criminal Procedure, 1898 (Act V of 1898) the Governor in Council is pleased to appoint Mr. R. Milner White, I. C. S., a Magistrate of the 1st. class, to be Additional District Magistrate of Meerut with all the powers of a District Magistrate." To my mind, it is clear that one of the powers of a District magistrate is u/s 100 (1) C.P. C. to take cognizance upon complaint and it follows that Mr. Milner White's act of taking cognizance on the complaint presented by Mr. Horton was legally unavailable. I am not prepared to hold that the power to take cognizance on a complaint is one which can only be exercised by 'the' District Magistrate and not by a Magistrate who is clothed with all the powers of a District Magistrate.

In any case the objection is one which would obviously be covered by section 529 (e) C.P.C. as I do not suppose that it would ever be contended that this was anything but a case of an error committed in good faith. That is not however a matter for this Court to consider.

The objection appears to me to have no force and is accordingly over-ruled.

(Sd), R. L. Yorke

D/ 25th February, 1931.

Add: Sess: Judge.

#### ORDER

Mr. Sinha on behalf of Thengde and Banerjee accused objects to the "P" Documents i.e., photographs of handwriting being used as "standard writings" for the purpose of comparison with questioned writings. He points out that section 73 allows the use for such comparison of "any signature, writing or seal admitted or proved to the satisfaction of the Court to have been written or made by that person and mentions no other document." It follows he argues that the law allows the use of original documents only. Photographs of the writings of accused persons are only secondary evidence of such signatures or writing and are therefore not admissible for the purpose. Mr. Sinha suggests that this absence of provision for use of anything but original as standards is based on the principle that the basis of the evidence of opinion of an expert

(17)

u/s 47 of the Evidence Act must be primary evidence and not secondary evidence. He relies in support of his argument on the notes relating to section 73 on page 539 of Woodroffe and Ameer Ali's Law of Evidence and also on an Irish case the decision in which is somewhat vaguely set out on page 474 of Sarkar's Evidence Act.

For the Crown it is pointed out that the section contains no prohibition of the use of a photograph but merely requires that the writing to be used as a standard should be proved to be that of the person concerned. In the ordinary way a copy of a copy is not admissible as secondary evidence of the original document but u/s 63 (2) a copy of a photographic copy is so admissible: this is so because the mechanical photographic process ensures the accuracy of the photographic copy. A photographic copy therefore stands on a different footing from any other copy and the question really is not whether a photograph is primary or secondary evidence but whether the Court is satisfied that the photograph gives a truly accurate representation of the original writing. There are of course possibilities of some kind of inaccuracy occurring in a photograph: such may be due to incorrect adjustment of the apparatus, a defective lens, inaccuracy in forming the angle at which the original is inclined to the sensitive plate, possible fraud of the operator. But I have seen no reason from my inspection of the various photographic reproductions of documents in this case to suppose that anything of the kind is present in any of the photographic standard writings. Nothing of the kind has been alleged and the presumption of law is against fraud as Crown Counsel points out. In addition, leaving fraud out of account, it must be obvious that mechanical defects will in all cases result in lack of definition or in distortion and that such defects would be easily visible and would be fatal to successful comparison of handwriting. There seems to be no ground for thinking that the photographs of writings put before the Court in this case are, save only in regard to scale, other than exact reproductions of the originals. There must be many cases in which it is impossible to obtain original writings with which questioned documents can be compared and I cannot believe that the law requires that in such cases the Court must refuse to look at and use exact photographic reproductions of writings of the person concerned as standard writings. Incidentally I may note that there has been no cross-examination to suggest fraud, or distortion or other defect in these photographs. The point has been argued purely on the general ground of principle: but the argument really rests on the principle that a Court must not interpret the law in the spirit but must refuse to accept anything which does not fall within the exact wording of the particular section concerned. In my opinion a Court which is satisfied as to the accuracy of the photographic reproductions and that the original signatures or writings are proved to have been

made by the person concerned may use the photographic reproductions for purposes of comparison.

The objection is accordingly over-ruled.

D/16th March 1931.

Sd/- R.L. Yorke

Add: Sess: Judge.

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### ORDER

Mr. Sinha has objected to the admission in evidence of "photostat" copies of letters or documents as secondary evidence of the contents of the documents concerned. He relies on a statement in Mr. Stott's evidence as suggesting that these are photographs of photographs and therefore inadmissible as being copies of a copy unless there is evidence of what has happened to the original photographs. In my opinion Mr. Stott's evidence on the point which he was prefaced by the statement that he did not know how a "photostat" was produced is useless. In his standard work on questioned documents Osborn speaks of 'photostat photographs', by which is obviously meant photographs by the photostat process. It seems to me obvious that photostats are not photographs of photographs for if so they would reproduce the handwriting as black on white, instead of white on black. Secondly there would be no point in using a double process which must take longer than it takes to produce an ordinary photograph and additional prints therefrom, and which produces photographs which are freely admitted to be less satisfactory when produced than ordinary photographs for the purpose of examination. From their appearance I should take photostats to be photographs taken direct on a sensitised paper instead of on a plate, but I am not aware how the photograph is in positive and not in negative that is looking glass form: but possibly this is secured by the use of some system of mirrors in the camera. Further the English witnesses who proved a large number of photostat photographs described them as photographs taken by them, and were not cross-examined on the point. In my opinion these photostat photographs are original photographs and admissible on the same footing as all other secondary evidence of documents in this case.

The objection is over-ruled accordingly.

Sd/- R.L. Yorke.

D/-17th March 1931.

Add: Sessions Judge.

## ORDER

Mr. Sinha on behalf of Thengde and Banerjee accused puts forward a number of objections in regard to the legality of the searches conducted in connection with this case and the admissibility in evidence of documents etc., recovered in those searches.

He relies in the main on sections 83 and 84 C. P. C. read with sections 101, 103 etc., and contends that the 2 first named sections prescribe the procedure for the execution of warrants of arrest and hence of search which are to be executed outside the jurisdiction of the Court which has issued those warrants. Nearly all the warrants both for arrest and search in connection with this case were issued in the name of Mr. Horton D. I. G., C. I. D and were endorsed by him to other officers such as the Commissioner of police of Calcutta and Bombay who in due course endorsed them to their subordinate officers for execution. It is contended that the redirection of warrants in such cases must be done by the Court which issues the warrant. In one case, that of Nimbkar accused, the Commissioner of police of Bombay endorsed the warrant on to the Superintendent of police of Ajmer and it is contended that this was a double irregularity. A further irregularity said to have been present in some cases is that the search witnesses were not inhabitants of the locality in which the house searched was situated.

As the next stage in this argument it is urged that in consequence of these alleged irregularities the execution of the warrants was not in accordance with the law, and Mr. Sinha referred to a case reported in 26 Criminal Law Journal at page 827 as one from which the principle might be deduced that to enable the prosecution to argue that articles recovered in the course of searches are genuine documents they must show that the provisions of the law in regard to searches were scrupulously followed.

In my opinion no such principle can be deduced from the ruling quoted. Secondly Crown Counsel has invited my attention to the ruling reported in I.L.R 37 Calcutta page 467 (at page 500). The question is he urges whether the Court is or is not satisfied after a careful scrutiny of the evidence that the articles said to have been recovered in a search were so recovered. If the court is so satisfied it must take those articles into consideration as evidence. In scarcely any, if indeed any, instance in this case has the cross-examination aimed at showing that a particular article or document was not duly recovered. As regards the search witnesses he points out that it has been held that the important question is not whether the witnesses were from the locality but whether they were respectable persons and therefore could be relied upon. The question in fact in all such cases is whether there is anything suspicious about the search, and that is a question of fact to be dealt with in

connection with the specific search or searches in regard to which it is alleged.

As regards sections 83 and 84 C. P. C. he points out that section 83 is a permissive and not a mandatory section while section 84 prescribes a procedure ordinarily to be followed. Section 79, he says clearly covers the actions of Mr. Horton and the various officers to whom he endorsed the warrants. In my opinion that is correct. The use of the alternative procedure is purely a question of convenience. In ordinary cases where only a single or a few warrants were in question the Court would send it or them to the Commissioner of police or other suitable officer by post or otherwise; but in a case like this where a very large number of warrants was to be issued it was obviously more convenient to direct them all to Mr. Horton and leave him to endorse on them the names of the officers who would execute them or would again (as authorised by the same section) endorse them to a subordinate or to some other officer.

In my opinion there was no irregularity in the procedure followed in the matter of these warrants and there can be no question of the searches having been illegal. The objection is over-ruled accordingly.

(Sd). R.L. Yorke

D. 23rd March, 1931.

Add: Sess: Judge

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#### ORDER

Mr. Sinha on behalf of Thengde and Banerjee accused objects to the use in this case of documents used in a former case. Such documents are (1) some documents used in the prosecution of 12 Communists in England and (2) some documents either used in the prosecution of Spratt and Mirajkar accused in Bombay in 1927 u/s 124A or recovered by the Police in the course of searches at that time but not used by them in that case.

As regards the 'English' papers Mr. Sinha's view is that the persons concerned in that case or at any rate some of them are described as co-conspirators and are therefore virtually co-accused in this case: that is virtually they are being tried again. In the case of Spratt and Mirajkar accused these accused are being tried again themselves and documents recovered in the searches of their property whether used or not used as evidence in that case should not be allowed to be used in this case. In this connection Mr. Sinha has referred to a case reported in All India Reporter 1925 Lahore section page 157. He further relies on rulings reported in 30 C. W. N. page 384 I. L. R 41 Calcutta page 1073, 7 C. W. N page 493, I. L. R 36 Madras page 308.

Summing up his argument he urges that on the evidence produced or in the possession of the prosecution both in the English case and in the Bombay case the accused concerned in those cases, all of whom are or can be regarded as co-accused in this case, might have been charged u/s 121A I. P. C. and therefore that evidence cannot be used again in this case as that would amount to depriving those persons of the privilege given by section 403 (1) C. P. C.

As regards the English documents Crown Counsel points out that the privilege given by section 403 (1) is, speaking generally, a personal one. The accused in this case could not by any stretch of imagination have been tried with the 12 communists in England nor could those communists have been tried u/s 121A C. P. C at that time and there is nothing which can exclude documents used in that trial from use in this trial against the accused.

As regards the documents used in the Bombay trial of Spratt and Mirajkar accused or other documents recovered in their searches at that time the question is as to the application of sections 236 and 237 C. P. C. Section 236 lays down that "if a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges can be tried at once, or he may be charged in the alternative with having committed some one of the said offence." Section 237 simply gives the power in cases of the kind mentioned in section 236 to convict of an offence other than the one charged even though the accused has not been charged with it, whether by means of simultaneous or alternative charges. The question is, on the basis of the documents recovered in the 1927 searches in connection with the former trial could Spratt & Mirajkar accused have been charged at that time u/s 236 for an offence u/s 121A I.P.C. I think clearly not. On the contrary the case falls within the principle which permits a man who has been convicted u/s 325 I. P. C. on a charge of causing grievous hurt to be tried for murder or culpable homicide not amounting to murder in case the person he has been convicted of hurting subsequently dies. The use of these documents in the present case cannot be brought within the scope of the principle that a person should not be tried twice for the same offence.

I find no force in this objection and hold these documents to be admissible in evidence in this case.

D/ 30th March 1931.

Sd. R. L. Yorke

Add: Sess: Judge