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REVOLUTIONARY ACTIVITIES.

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REVOLUTIONARY ACTIVITIES.

[The revolutionary activities have followed the beginning of the democratic agitation in the country. Like the peaceful mass agitation revolutionary activities also were first visible in this presidency-Maharashtra—(Constitutional Development—Proof G. N. Singh—Vol. 1, p. 232) Chapekar brothers' activities (1895) are supposed to be their starting point (Sedition Committee report). The Shivaji club of Kolhapur (1893) was also started, it appears, with objects similar to those of Chapekars. (Life of Shahu Chatrapati by A. B. Lathe, p. 291). This club deserves attention as it appears that it was apparently the first of its kind in the Bombay Presidency and was started prior to Chapekar's. This was started by Hanamantrao Kulkarni Murki-Bhavikar. His colleagues in this adventure were Nanasaheb Gaikwad, Zunjarrao Ghatge, etc. The club was working in the Kolhapur State and its near about areas and remained unnoticed, by the police in the Presidency till it came in the lime light first at the time of the Beed dacoities (1899). It was then declared illegal. It was heard of again at the time of Khadilkar's Nepal activities (Nepal-1902-1904) and again in 1908 when an attempt was made on the life of Col. Ferris the resident of Kolhapur. The club was raided by the state authorities (1879) after which it became more popular. Thus it appears, there were two groups functioning (1) Kolhapur (1893) and (2) Chapekar (1895) in Maharashtra. The author of the "Liberator" a book which gives an account of Arvind Babu's early activities, states that there was an organisation in Western India (1896) of which Shri Arvind was the president, though he has not given any evidence in support of his statement. The information in the "Liberator" also shows that the organisational activity of this group was controlled by the Thakur Saheb, who hailed, it is said, from Udepur and was mainly working in the army. The extracts given in this section include-Kolhapur Group, Chapekar Brothers' Cases (1897), Abhinava Bharat organisation (Nasik), Savarkar-case (Ganesh Damodar-1909), Jackson Murder case (1910), the famous case of Vinayak Damodar Savarkar (1910), and the activities of Poona-Aundh (Satara)-Pen-Pandharpur groups, Of the above, the reports regarding the revolutionary activities in the Kolhapur State are not fully traceable in Bombay Police Records, evidently because Kolhapur was a Native State.

A lot of literature has been published on this subject and some of the publications have brought out their internal differences, organisational and otherwise. These were traced by the police also at that time. The story of how and wherefrom they collected the literature and explores is fully disclosed in these extracts. The bombs, it

appears, were first used for such activities after 1908 in Maharashtra and Bengal. The literature and also knowledge of its preparation was first secured by Bapat (Senapati P. M.) in Paris (1907). The same literature was sent by Savarkar to Maharashtra and by Hem-chandra to Bengal. But about the same time it is said that Govind P. Bapat of Poona had prepared some such explosives and bomb shells. The empty shells were shown by Tilak to Arvind (January 1908) which was reported by Arvind to C. C. Dutt, I.C.S. (The latter's article in the Maratha August, 1952) who was then one of his trusted lieutenants. Manufacture of Bombs on an appreciable scale was first done, it appears by the Bombay group—Karve (Krishnaji Gopal—Jackson murder case), Khare (Krishnaji Gopal M.A., LL.B.—Nasik case, pleader-practising at Poona), Potdar (Govindrao) and V. P. Nagpurkar. Karve had gone to Bengal and had brought from there some pamphlets and books (on bomb making). They started manufacture of bombs on a small factory scale. "Reliable members were called from different districts to learn the preparation of Picric and fulminate, and the teaching was mainly done in specially hired rooms in mill area by Karve and Nagpurkar " (K. G. Khare's statement). This they had started, "the very next day" of Tilak's arrest (1908). This group manufactured bombs and distributed them to their workers. After the Jackson murder, the bombs and the factory were removed or destroyed before they were arrested". Browning pistols were sent to India in an appreciable number in 1909 by V. D. Savarkar. Jackson murder was planned and executed by Karve group (Krishnaji Gopal—Nasik) which was distinct from the Savarkar group. The Karve group, it appears from Police Reports was formed in 1908 but originally it might have belonged to the same fraternity and perhaps parted company about 1908 due to temperamental differences. But it was this Karve group to which Kanhere, the youngest of them who had pressed for some action and offered to do it himself, belonged. The Nasik murder shocked Government and practically all the underground activities were traced and suppressed. Savarkar's bid to escape from the ship at Marseilles was an astounding event. It was not the distance which was about fifteen feet only, but the plan of escape which was very important. The police reports also suggest that the plan might be a premeditated one and the Scotland Yard had a scent of it. Their intimation of caution and a request for help to the French police in case there was any attempts for his escape indicate the same. Inspector Parkar who was deputed by the Commissioner of Police (London) on the request of the Government of India to assist Savarkar's safe transfer to India, it seems reasonable to infer, must be aware of it. At 6-10 a.m. Parkar had enquired of Savarkar about the time and the latter had told it to him. About 7-30 a.m. Savarkar was taken to

the water closet and escaped through the port hole. Savarkar was chased and rearrested and brought back to his cabin when Power (and perhaps Parkar also) was found sleeping and the doors were closed. This is a suspicious situation. The same Parkar in his evidence has told that the Browning pistols were secured in Paris not by Savarkar but by somebody else. The extracts on Savarkar's case show how the Governments of Bombay and India were anxious to punish him as early as possible without coming in conflict with their International obligations. However, the Hague Tribunal was in favour of the British Government. The Judgment stated "H. M. Britanica is not required to restore the said V. D. Savarkar to the Government of French Republic". The French evidence shows that Savarkar was arrested by the French gendarme while our police reports claim that Savarkar was first caught by the Indian police Constable. Bombay Government had also misgivings that there was " a chance of acquittal on charge of abetment". The fact that there were sharp differences among the different groups on the point that no isolated action like murders or any such other activity, should be done, is not found in the police reports. After the Jackson murder almost all the prominent revolutionaries were found out and sentenced and the police with relief state in their reports " that the movement was effectively checked." A few life sketches of the revolutionaries connected with this presidency and prepared by the intelligence department are given here. They include, Madam Cama, Sardar Sing Rana, W. V. Phadke, Chanjeri Rao and others. The extracts are not exhaustive. The other important events are the attempts to organise armed resistance with the help of the German Government, (1915-16) at the time of 1st World War. The group which made these attempts included some students from this presidency. That case was not, it seems, strenuously pursued by the police. Some of those who were traced included N. S. Marathe, Dr. Sukthankar, Dr. K. K. Joshi, Prof. G. R. Paranjape, all of them from Poona. They were interrogated by the Police but no action was taken. Of the material on the above topics the extracts taken from Government records have been included in this section.

THE JACKSON MURDER CASE OF NASIK

[FROM J. D. VOL. 174, COMPILATION 1674 OF 1910.]

The following persons were arrested in connection with the murder of Mr. Jackson, Collector of Nasik, on the night of the 21st December, 1909 : —

| Name | Arrested on | Made statement on. |
|---|--------------------|--------------------|
| 1. Anant Laxman Kanhere | 21st December 1909 | 21st December 1909 |
| 2. Krishna Gopal Karve | 24th December 1909 | 6th January 1910 |
| 3. Vinayak Narayan Deshpande. | 23rd December 1909 | 6th January 1910 |
| 4. Shankar Ramchandra Soman. | 23rd December 1909 | 6th January 1910 |
| 5. Waman <i>alias</i> Daji Narayan Joshi. | 30th December 1909 | 4th January 1910 |
| 6. Ganesh B. Vaidya | 22nd December 1909 | 2nd January 1910 |
| 7. Dattatraya Pandurang Joshi. | 22nd December 1909 | 5th January 1910 |

WHO THEY WERE ?

1. *Anant Daxman Kanhere*.—Born in 1891. Elder brother Ganpat-rao, younger brother Shankarrao. Two sisters. Started life at Indore. Went to Aurangabad to his uncle Barve in 1903 for further study. His brother Ganpatrao was at Barsi. Anant stayed with this brother for some time. In 1908 he returned to Aurangabad and stayed in a hired room in one Gangaram Rupchand Shroff's house. Gangaram had a friend at Yevla named Tonpe. He was a member of the secret society of Nasik. One Ganu Vaidya of Nasik used to visit Yevla to meet his relative. Ganu became acquainted with Gangaram at Yevla. He went with Gangaram to Aurangabad to purchase cheap weapons for the Nasik Secret Society. Anant became acquainted with this Vaidya at Aurangabad.

2. *Krishnaji Gopal Karve*.—He was a B.A. (Hon.), and was studying law at Bombay. He was then 23 years old. He was the moving spirit of one of the secret organizations in Maharashtra. He initiated Shankar Ramchandra Soman in the secret organization. He knew

the preparation of bombs and taught the process to Soman and Chandratre. He purchased seven Browning pistols, one revolver, and one Countrymade pistol from one Gopalrao Patankar, who had received the parcel of Browning Pistols sent by V. D. Savarkar through his cook Chaturbhuj. This was in May or June 1909.

3. *Vinayak Narayan Deshpande*.—He was 21 years old. He was a member of the Secret organization. He was the First Assistant teacher in the Panchavati School at Nasik. He was married. He conducted a handloom as an additional vocation. On the third floor of the building where this handloom was working there was an old darkroom, where Deshpande and others of the Secret Society held their secret meetings, Deshpande had collected some explosives, which were kept in a box.

4. *Shankar Ramchandra Soman*,—He was a student aged 18 years.

5. *Waman alias Dap Narayan Joshi*.—He was 20 years old. He was a teacher in the Panchavati school.

6. *Ganesh B. Vaidya*.—He was the person who collected and stored explosives and weapons for the secret society. It was to him that Anant expressed his willingness to do something by way of retaliation against the barbarous conviction of Savarkar.

7. *Dattatraya Pandurang Joshi*.—He was a student at Aurangabad and a friend of Anant.

STORY OF THE PLOT

The following is the summary of the happenings on the night of 21st December, as given in the Judgment delivered by the High Court :—

" A number of young men in Nasik were affected by the political influence of the time, and as early as 1908 formed a secret society or association, membership of which involved the taking of an oath. The objects of this society are variously described, but it appears that arms were collected, explosives were made or attempted to be made and the oath was administered to a considerable number of young men, both in Nasik and elsewhere. Whether this society was a branch of some larger organisation cannot be exactly said.

The original members were Karve, Deshpande and Soman (accused 2, 3, 4). Subsequently they were joined by accused No. 6 Vaidya, who became the keeper of the weapons of the society.

Some time in June last or later Vaidya visited Aurang-abad, where he formed the acquaintance of Anant, accused No. 1, i.e., the youth who afterwards shot Mr. Jackson. Anant learnt from Vaidya of the Secret Society, reproached him for doing so little and suggested that someone should be killed. Vaidya undertook to place this suggestion before the society. On his return to Nasik, he did so, with the result that Anant was invited there. Anant went and became acquainted with Deshpande, Soman and Joshi (Nos. 3, 4, 5). This was about the middle of September or a little later. At an early period of this visit Anant was taken to a darkened room in Vaidya's house where Deshpande, Soman and Vaidya were present. There Anant's willingness to commit murder was ascertained and the proposal to murder Mr. Jackson was discussed. Thereafter Anant was at least twice taken to the Collector's Katchery to be shown Mr. Jackson, so that he should be in no doubt as to his identity. Waman Joshi (No. 5) was with him on one of these occasions and on one of his visits to the Katchery Anant saw Mr. Jackson. On two occasions in the early morning he was taken to a lonely spot by Deshpande, Soman and Waman Joshi (Nos. 3, 4, 5) and there taught the use of a pistol supplied by Vaidya (No. 6). During this visit to Nasik, Anant was taken to a photographer, on one occasion by Waman Joshi (No. 5) and on another by Deshpande (No. 3) for the purpose of having his photograph taken. For some reason Anant was unable to prolong his visit to Nasik and had to return to Aurangabad. But he was anxious to have an excuse for again coming to Nasik without encountering opposition from those in his own town who were interested in him. For this purpose, it was arranged that Deshpande (No. 3) should go to Barsi Road and thence send a telegram purporting to come from Anant's brother informing him that the former was ill. Deshpande went to Barsi Road and sent a telegram on the strength of which Anant left Aurangabad again and made his way by Barsi Road to Manmad, where he was met by Vaidya (No. 6) and thence to Nasik. Here he again came into close association with accused Nos. 3, 4, 5, 6 (Deshpande, Soman, Waman and Vaidya). Upto this time Karve (No. 2), who was the recognised head of the society, had not been informed of the project to murder Mr. Jackson and it was felt to be necessary to consult him and obtain his consent. Vaidya (No. 6) and Waman (No. 5) went to Bombay where he was living to fetch him to Nasik. He promised to come. They returned, and shortly afterwards Karve came to the station where he had a consultation with Nos. 1, 4, 5, 6 (Anant, Soman, Waman and Vaidya). The murder of Mr. Jackson was discussed but nothing definite was decided on apparently because Anant demanded

a helper, a matter in which it was felt to be difficult to meet his wishes. After spending a night at a house near the station, Karve returned to Bombay and Anant, after obtaining his photographs, to Aurangabad and there the matter rested for a time. A little later Anant wrote to Waman Joshi stating that he alone was ready to commit a murder, though not that of Mr. Jackson. Waman wrote a reply to this letter which was despatched from Nasik on the 16th October.

Nothing further was done at the time and afterwards Anant was informed that the Nasik conspirators were not ready for the project. Thereafter, Waman Joshi went to Dhulia and had nothing further to do with the affair. Vaidya was absent in Bombay when the letter was sent, but returned to Nasik and was there when the last steps preliminary to the murder were arranged.

In December it became known that Mr. Jackson was to leave Nasik and that he was to attend a performance in the Vijayanand theatre there. This news had the effect of stimulating the conspirators to activity. It was determined to use the occasion of the theatrical performance, which had been fixed for the 21st. Deshpande (No. 3) went to Aurangabad on the 19th to fetch Anant. He returned to Nasik on the morning of the 21st and reported that Anant was coming. The latter arrived by the afternoon train. They travelled by the same train as the two boys from Aurangabad, Dattu (No. 7) and one Kashinath who had arranged apparently in connection with some affair to come to Nasik, on the afternoon of the 21st. On the way it was arranged that Vaidya (No. 6) must not see Anant at the Nasik Station, so from Manmad, Anant travelled Second Class in one part of the train and the two boys went in Third in a different portion. On arrival the two boys were met by and went off to Nasik with Vaidya (No. 6) and Anant escaped notice.

A comparison of the statements of the accused enables us to give the following detailed account of the events of the 21st December so far as they affect these accused. Deshpande (No. 3) returned from Anant in the morning and went to see Karve (No. 2), whether to the place where the looms were, that being the residence at the time of himself (No. 3) and Soman (No. 4), or at some other place, does not clearly appear. He informed both Karve (No. 2) and Soman (No. 4) that Anant was coming that day to kill the Collector. Karve (No. 2) said that in that case they must provide arms and sent Deshpande (No. 3) to Ganu Vaidya (No. 6). The latter brought to loom place 2 Browning Pistols, one large and one small. Karve

(No. 2) asked him to bring the nickel plated revolver also. He said he had not got it then, but would obtain it. Later in the day Karve (No. 2) went home taking the small pistol with him and leaving the big one at the loom place. He told Soman (No. 4) to go to Vaidya (No. 6) at: 7 o'clock and bring what he would give. Meantime, Ganu (No. 6) had obtained the revolver from Dandekar, He (No. 6) loaded it and gave it to Soman (No. 4), when he came. The latter (No. 4) took it to Deshpande (No 3) or to Anant (No. 1) himself, it is not certain which Anant had arrived in Nasik and gone to the loom place. At that same place Soman (No. 4) gave him a packet of poison, which Karve (No. 2) had provided and a paper written by Karve (No. 2) and headed " murder for murder " of which Anant (No. 1) made a copy. Thereafter Soman (No. 4) went home, Karve (No. 2) went to the theatre from his own house taking with him the small pistol and Deshpande (No. 3) took Anant (No. 1) to the Theatre from the loom place. He (No. 3) left Anant near the door and joined Karve (No. 2) at another part of the Theatre. On Mr. Jackson's arrival, Anant (No. 1) shot him. Anant's part in the affair needs no corroboration for he has not denied it."

Judgment in the above case was given by the Chief Justice of Eombay on Tuesday 29th March 1910. The accused were sentenced as under :—

- | | |
|---|-----------------------------------|
| 1. Anant Laxman Kanhere | To be hanged by neck. |
| 2. Krishnaji Gopal Karve | To be hanged by neck. |
| 3. Vinayak Narayan Deshpande. | To be hanged by neck. |
| 4. Shankar Ramchandra Soman. | Transportation for life. |
| 5. Waman <i>alias</i> Daji Narayan Joshi. | Transportation for life. |
| 6. Ganesh Balaji Vaidya | Transportation for life. |
| 7. Dattatrya Pandurang Joshi. | Two years' rigorous imprisonment. |

STORY OF THE NASIK CONSPIRACY

(EXTRACT FROM SPECIAL BENCH JUDGEMENT GIVEN ON PAGES 153 TO 182
OF SECRET ABSTRACT, 1911, C. I. D., BOMBAY.)

THE MITRA MELA

The evidence in this case establishes that prior to the year 1906, an association of young men, mostly Brahmans, existed in Nasik under leadership of Ganesh and Vinayak Savarkar which was known as the Mitra Mela. In it were reproduced the features of other similar associations in the Deccan to which reference has already been made. Exciting songs were prepared for the Ganpati and Shivaji festivals and the members of the Mitra Mela used to join in singing these songs either in procession or in the precincts of some temple or other place of assembly.

Physical instruction was given to members by one of the witnesses in this case and by a Mahomedan brought for the purpose from Baroda. The activities of the association did not however cease there, for we have evidence, which we accept as true, that meetings were held at the house of Ganesh Savarkar and of Aba Darekar, one of the song writers of the association, at which the biographies of patriotic revolutionists were read and re-read, the particular favourites being Mazzini, Shivaji and Ramdas and where discussions were carried on with regard to the means for attaining independence for India. At these meetings the methods advocated were the education of the public by means of lectures, books and songs, and the preparation for rising against the British Government by collection of arms and ammunition.

We have examples of inflammatory speeches delivered by Vinayak and Narayan Savarkar and by Mahadev Bhat, and a photograph of a number of members of the Mitra Mela, several of whom are among the accused, grouped round Vinayak Savarkar in which four or five pictures of Shivaji, a board bearing the words "Bande Mataram" and a book bearing the name of Mazzini on the outer cover are prominently displayed, which corroborate the general description of the aims and methods of the association given by the witnesses.

The photograph exhibit A271, to which reference has been made, marks an important stage in the history of the association. Its occasion was the impending departure of Vinayak Savarkar for

England in the middle of June 1906, a step which he was enabled to take owing to his being the recipient of a scholarship given by Shamji Krishna Varma, the founder of the India House at Highgate. Up to the time of his departure Vinayak Savarkar had been one of the most active and probably the most stimulating of the members of the Mitra Mela. In the early part of 1906 speeches were delivered by him in Poona and in Nasik the object of which was to arouse the passion for independence and hatred of the foreign rulers of the country and to suggest how by means of mental training and physical exercises, preparation might be made for successful revolt.

THE ABHINAV BHARAT

Before the departure of Vinayak Savarkar the Mitra Mela had developed into or given birth to the Abhinav Bharat or Young India Society a title which the prosecution suggests was borrowed from the " Young Italy" of Mazzini. Its objects were unquestionably revolutionary.

The aim of its members was to be prepared for war. The list of objects enumerated in Exhibit 9B found in the possession of Kashikar in 1909 affords ample corroboration of the evidence of the witnesses upon this point.

REVOLUTIONARY SONGS.

The books of verse composed by members of the society known as the " Laghu Abhinav Bharat Mala " were printed and published in Bombay and Sholapur and were for a long time openly sold though of a most inflammatory character. The publisher of four of the earlier issues of the above series deposes that the copyright was sold to him by Vinayak before his departure for England in 1906 and an edition of 5,000 copies was published in September of that year.

GANESH SAVARKAR SENTENCED

This series of publications culminated in 1908 v/ith the issue by Ganesh Savarkar of Flowers 8 and 9 containing a clear incitement to war against the British. They resulted in the arrest of Ganesh Savarkar on the 28th February 1909 and his subsequent conviction and transportation but not before he had made arrangements for the reception in Bombay of a consignment of Browning pistols which were originally destined for Nasik.

STRICT SECRECY

All the witnesses who have described the inner working of the Abhinav Bharat Society in Nasik speak of the administration of oaths to its members. Its existence appears to have been suspected by the police, but its proceedings were kept secret so successfully that no action was taken in regard to the association till the murder of Mr. Jackson on the 21st of December 1909. There is evidence in the shape of certain documents found in the possession of the accused Kashikar shortly after the arrest of Ganesh Savarkar in 1909 which indicates that the association aimed at some sort of organisation founded upon the model of revolutionary societies in Russia.

In a search of the house of Ganesh Savarkar about the same time a much scored copy of " Forst's Secret Societies of the European Revolution, 1776-1876 " was found, in which is described the secret organisation of the Russian Nihilists consisting of small circles of groups affiliated into sections, each member knowing only the members of the circle to which he belonged. This may explain the existence of various small groups of young men who are found in this case to have been working for the same objects and drawing weapons from the same source without acquaintance with the members of other groups.

LIFE OF MAZZINI

It appears that Vinayak not content with the lives of Mazzini available in English for the instruction of his associates was, at or soon after the time of his departure for England, engaged on the preparation of a Marathi version of the autobiography of Mazzini with an introduction summarising the political teaching of the Italian. After his arrival in England, Vinayak did not take long to complete this work. It was sent out by him to India for the purpose of publication and was issued from a Poona Press through the agency of Ganesh Savarkar. The order for the printing was given at the end of December 1906 and an edition of 2,000 copies was ready in April, 1907.

The introduction emphasizes the importance of elevating politics to the rank of religion and argues that Ramdas, the saint of the Maharashtra in the time of Shivaji, possessed the same spiritual essence as Mazzini under a different name. It points out how Mazzini relied upon the youth of the country to attain independence, and then proceeds to dilate upon his twofold programme of instruction and war.

The suggested methods of preparation for war are the purchase and storing of weapons in neighbouring countries to be used when opportunity should occur ; the opening of many very small but secret factories at some distance from one another, for the manufacture of weapons clandestinely in the country ; seeking independence and the purchase by secret societies of weapons in other countries to be secretly imported in merchant ships.

MEANING OF BOYCOTT

The introduction also contains a significant passage upon " Swadeshi" agitation, by which says Vinayak, is meant " the imposition of restraint upon the plundering propensities of another and the protection of one's own rights. Ordinary men do not know all at once what their rights are. Therefore all that they can comprehend at the outset is that the trade carried on by Foreigners is inflicting loss upon themselves. They therefore become ready to adopt oppressive measures for the protection of their trade. When this oppression commences, the persons who at first boycotted only the trade; quite easily have recourse to the true way. They begin to perceive that it is of no use to boycott foreign cloth or tobacco or tea which are inanimate. What meaning is there in their venting their anger on these lifeless things ? They must vent their real anger only on these animate things which give support to those inanimate things. Not foreign goods but foreigners themselves must be boycotted." Much of the evidence suggested that this view of Swadeshi has been generally accepted amongst the followers of the Savarkars in the Deccan during the last few years.

Vinayak's Mazzini had a great success. All the copies of the first edition had been taken from the publisher within three months of its publication and it appears from a letter of the accused Patankar dated the 30th of December 1908 addressed to Ganesh Savarkar, that the latter was at that time contemplating the issue of a new edition of 3000 copies. That the book was used in support of inflammatory political harangues appears from the reports of the speeches of the accused Barve delivered in June 1907. Those speeches were delivered in advocacy of secret societies, such as those established by Mazzini in order to obtain independence, and Barve recommends the audience to read the life of Mazzini in Marathi written by his friend Savarkar.

According to the confession of Barve his speeches synchronized with the establishment of a regular constitution for the Abhinav Bharat Society, for he says that in April or May 1907, the First

General Half Yearly Meeting of the Society was held at Kothura near Nasik and that it was followed by another meeting after six months at Sion on the outskirts of Bombay and by a third meeting in April or May 1908 at Nasik.

ACTIVITIES OF SAVARKAR IN EUROPE

We will now refer to the evidence regarding the activities of Vinayak Savarkar in Europe. That evidence consists of the depositions of a person who was from May 1908 until February 1909 cook at the India House in High Gate, of a student of Engineering whose acquaintance with Vinayak in London commenced in October 1906 and another person who made the acquaintance of Vinayak in London towards the end of 1909, of certain letters written by Vinayak to his friends in India and of publications coming from the pen of Vinayak or found in his possession or that of his associates or tools.

INDIAN WAR OF INDEPENDENCE

We see no reason to disbelieve the evidence of any of the London witnesses abovementioned. They testify that Vinayak was the leader of a group of ardent revolutionists at the India House. He completed while he was there, a history of the Indian Mutiny or as he calls it "The Indian War of Independence" in Marathi, which was translated into English by other residents at the India House. He organized at suitable houses in London in May 1907 and 1908 meetings in which the anniversary of the outbreak of the Mutiny was celebrated. He despatched to India inflammatory pamphlets styled " Oh Martyrs " in praise of those Indians who fell on the rebel side during the Mutiny and metal buttons which have been referred to in this case as Mutiny buttons. He did not, however, confine his activities to writings and speeches. In August and September 1908 he was occupied with other associates at the India House in manifolding a number of typed copies of a work dealing with the preparation of bombs and dangerous explosives suitable for anarchical outrages. Many of these were despatched by post to various places in India. Vinayak also administered oaths of the Young India Society, which he stated had branches all over the world, to two of the London witnesses.

TWENTY BROWNING PISTOLS

When the cook left London for India in 1908 Vinayak forced him to pack in his trunk a parcel containing 20 Browning automatic pistols and a number of cartridges for the same, to be delivered together with a letter to one or other of two addresses in Bombay, and when another

witness left Paris for India in 1910 Vinayak tried to induce him to take a similar parcel of 25 Browning pistols and on his refusal prevailed upon him to take one pistol concealed in his trunk. It has been strenuously contended that there is no sufficient proof that Vinayak was the person who entrusted the 20 Browning pistols to the cook Chaturbhuj : on the one hand we have the statement of the latter that the pistols were entrusted to him by Vinayak in London at the India House for delivery in Bombay to one or other of two men who are proved to have been old college friends of his. It is, we think, established that they were intended to reach the hands of Ganesh Savarkar at Nasik as he knew they were coming by Chaturbhuj and probably would be delivered to Bhat on arrival. Thus we have it that the pistols were placed in the hands of a servant of the India House, the manager of which was Vinayak, to be delivered to Vinayak's old friend and connection Bhat for the use of Vinayak's Brother Ganesh. On the other hand the Scotland Yard Sergeant Parker who had been keeping watch on the India House admitted in cross-examination that he knew where the pistols were bought, that they were bought in Paris and that the person who bought them was not Vinayak Savarkar. His statement was based upon inquiries instituted by the Commissioner of Police in London. It does not appear to us that the original purchase of the pistols in Paris is inconsistent with their subsequent despatch from the India House by Vinayak Savarkar, and since all the established facts point to Vinayak as the source from which the pistols came we accept the story of Chaturbhuj as substantially true.

THE BOMB MANUAL AND 'BANDE MATARAM

The pistols entrusted to Chaturbhuj reached their destination safely, as did the typed copies of the bomb manual despatched in the latter half of 1908. One of these manuals was found in the search of Ganesh Savarkar's house in the beginning of 1909. It is identical in all respects with a typed bomb manual which Chanjerirao says was given to him by Vinayak and which was found secreted upon his person on his arrest in Bombay in 1910.

Vinayak Savarkar was in close touch with a small though well known group of violent Indian anarchists living in Paris. One of the documents found in the possession of Chanjerirao at the time of his arrest, several copies of which had been entrusted to him when leaving Paris by Vinayak, is styled "Bande Mataram". It is a pamphlet in praise of Dhingra a resident of the India House, who assassinated Sir Curzon Wylie with a Browning pistol at a party in London in June 1909. The pamphlet strongly advocates political assassination in India and whether or not it is from the pen of

Vinayak Savarkar, it, at all events, represents doctrines which he was anxious to disseminate in India. The following passages may be quoted as indicating its aim ; " Terrorise the officials, English and Indian, and the collapse of the whole machinery of oppression is not very far. The persistent execution of the policy that has been so gloriously inaugurated by Khoudiram Eose, Kanailal Dutt and other Martyrs will soon cripple the British Government in India. This campaign of separate assassinations is the best conceivable method of paralysing the bureaucracy and of arousing the people. The initial stage of the revolution is marked by the policy of separate assassination."

These extracts show sufficiently clearly the objects which Vinayak had in view in sending Browning pistols and instructions, for the preparation of bombs to India.

The rest of the evidence in the case is largely concerned with the history of those pistols and the manner in which persons who obtained possession of some of them tried also to achieve the preparation of other lethal weapons in the shape of bombs for carrying out the policy of assassination and the terrorisation of Indian officials or others connected with the Government.

TWO MORE DOCUMENTS

Before turning to this part of the case we will refer to two more documents: one is a printed document seven copies of which were found in Vinayak's trunk when he was arrested at Victoria Station in London on the 13th of March 1910. It is styled " Choose Oh Indian Princes " and professes to be addressed in a spirit of reasoned protest to the Maharajas of Kolhapur and Gwalior and other princes who had not appreciated the spirit of and had oppressed the members of the Abhinava Bharat. The Abhinava Bharat is here referred to as if it were an extensive organisation having definite aims for the regeneration of India.

The other document was found in the possession of Chanjerirao among the printed literature given to him by Vinayak. It purports to be a publisher's circular about the History of the Indian Mutiny written by Vinayak under the title of the Indian War of Independence. It is so worded as to be fully intelligible only to those who knew more than the ordinary casual reader and seems to point to the existence of some widespread secret society of young men. One passage may be quoted as an illustration. " Send an international postal order to any trustworthy young friend of yours residing in or going to England

or France. We are known to all young men in both countries." A footnote referring to this passage adds, " Do not by any means send the money to any old friend."

FURTHER HISTORY OF THE PISTOLS

Turning now to the further history of the pistols, the parcel after it had been brought to Bombay by Chaturbhuj was actually received by the accused Patankar, although the accompanying letter was addressed to the accused persons Bhat and Thatte, for Patankar was in Bhat's room at the time when Chaturbhuj called there to make final arrangement for the delivery of the parcel and, at the request of Bhat, Patankar went and took delivery of 19 of the pistols and the cartridges after Chaturbhuj had taken out one pistol and some cartridges for his own use. According to the confession of Patankar, he had been informed early in February by Ganesh Savarkar, who had come to Bombay from Nasik and was putting up with Bhat, that in a few days some pistols would arrive with Chaturbhuj and that Patankar should prevent them from being taken to Nasik. He said that it was too late to prevent the arrival of the pistols in Bombay and that Chaturbhuj would come and see Bhat about them.

Patankar's first action was to remove the pistols to a convenient place near Bombay and he selected Vithoba Marathe of Pen as the depository. According to his statement he had transferred the pistols to Pen by April 1909. He says that shortly before the arrival of the pistols this man Vithoba Marathe had brought from Pen and shown to him a book containing a formula for the preparation of picric acid. This was destroyed after the arrest of Ganesh Savarkar in February on account of the searches by the police which were then being made. The arrest of Savarkar was also the cause of the transfer of the pistols to Pen.

The events just detailed indicate a guilty association between Patankar in Bombay, belonging to the group which included Ganesh and Vinayak Savarkar and Bhat, and Vithoba Marathe, residing at Pen, in relation both to picric acid and to Browning pistols

Notwithstanding the removal of the pistols to Pen, the request of Ganesh Savarkar that they should not be allowed to go to Nasik, was not complied with, for Patankar says that Anna Kurwe (one of the murderers of Mr. Jackson in December 1909) with whom he had been acquainted since about the middle of 1908, promised to arrange about the pistols if he got them. Patankar then went to Pen and brought back five of the pistols and 200 cartridges, which

he handed over to Kurwe without any payment. About the middle of June Patankar again went to Pen and obtained from Vithoba Marathe, a muzzle loading pistol and revolver which he also handed over to Kurwe. Again in September, he brought from Pen two more of the Browning pistols and handed them over to Kurwe.

At this stage it is convenient to discuss the question why Kurwe should want these pistols.

THE NASIK GROUP LED BY KURWE

It is proved that Kurwe was at this time the leader of a group of young men most of whom were residents in Nasik, who had taken oaths administered either by Soman, one of the murderers of Mr. Jackson, or by Dharap, who had received the oath from Soman, and were bound together as members of a secret society for preparing for independence and compassing the murder of oppressive Government officers. In the early part of 1909, Kurwe, who was then a law student in Eombay, had approached, Khare (a student at Gajjar's Technical Institute) with reference to the preparation of picric acid and had induced Khare to make some picric acid and fulminate of mercury' in conjunction with the accused Nagpurkar (a student at the Victoria Technical Institute). Kurwe had then brought down from Nasik two members of the secret society above referred to for the purpose of learning the art of preparing picric acid. These men Deshpande and Chandratre had then in company with other members of the Nasik society, prepared picric acid in Nasik.

Upon receiving from Patankar the offer of pistols, Kurwe readily agreed to take them and sent to Nasik to his associates there the Browning pistols, the revolver and the muzzle-loading pistol above referred to.

According to the confession of Patankar, Kurwe had by August 1909 arrived at the point of experimenting in the preparation of shells for picric acid bombs, and asked Patankar's assistance in teaching a friend to learn casting work for making shells. Patankar replied that he would enquire of the Penkar Company at Dhulia and let him know.

The above facts establish that there were men in Pen, Bombay and Nasik in 1909 who were concerting together in the preparation of picric acid bombs and in the collection and distribution of pistols suitable for the purpose of political assassination.

POONA ACCOMPLICES

We will now consider the question whether any Poona men were implicated in this criminal association. The accused Khare, who has already been referred to as one of the first preparers of picric acid in Bombay, was a resident of Poona, when not engaged in study in Bombay. According to his confession, he spent the hot weather vacation of 1909 in Poona and then became acquainted with the accused Chandwadker, commonly referred to as " the Boa ", who was a clerk in a Government office in Poona. As a result of that acquaintance. Khare, who had taken up to Poona two bottles of picric acid and some fulminate of mercury, left them with "the Eoa" on his return to Bombay. During the ensuing monsoon the Boa procured the introduction to Khare of a man named Kulkarni (who appears to have been mixed up with political conspiracy in Kolhapur), in order that Kulkarni might learn in Bombay the process of preparing bombs. When Kulkarni returned to Poona, after he had, according to his own statement, made certain experiments under Khare's auspices in the preparation of picric acid and fulminate of mercury in Bombay, Khare gave him a Browning pistol and cartridges for the Boa. This Browning pistol was one of a lot of three out of the consignment imported by Chaturbhuj, which Patanker had withdrawn from the custody of the accused Marathe at Pen, who had succeeded on the death of Vithal Marathe in October 1909 to the position of ,custodian of the pistols.

Patanker subsequently handed over to Khare two more pistols and Khare early in December sent up one of them to the Boa at Poona by the hands of Kulkarni. According to the confession of the Boa, he and certain associates at Poona were at that time contemplating the murder of Mr. Gokhale and a certain high official. The Browning pistol first received was examined by them and experiments were made in firing it. The Boa also promised his friends that bombs would be forthcoming for the murder of the official in question. According to the story told by Kulkarni, as well as according to the confession of the Boa, supplemented by his statement to the Committing Magistrate, the Boa was also a party to a scheme for preparing bombs to be used against the Viceroy at the time of his visit to Bombay about the 15th November 1909, but owing to Khare being much engaged in preparation for his University Examination, he was unable to get the bombs ready in time. On the 21st of December 1909, the murder of Mr. Jackson occurred in Nasik at the hands of Kurwe's group. This was at once a signal to the Boa to dispose of the pistols in his possession.

How far other accused belonging to the Poona group were cognizant of any general plan favouring assassination, will be considered in

dealing with their individual cases. The facts already recited indicate that Ganesh Savarkar's associates in Bombay, namely Bhat and Patanker, were by no means averse to receiving and distributing Browning pistols more suitable for political assassination than actual warfare, and there is evidence that members of the Abhinav Bharat Society such as Gorhe and Kelkar resident in Nasik were very ready to aid in the disposal and secreting of pistols after the murder of Mr. Jackson. There is, therefore, no reason for supposing that assassination was a method to attack upon the British Government which was foreign to the aims and methods of the Abhinav Bharat Society. It was in fact a method of attack devised and rendered possible by Vinayak Savarkar. It was a method which appealed particularly to Anna Kurwe who, the evidence shows, had a disagreement with Ganesh Savarkar because the latter in Kurwe's opinion was more disposed for talking than for action. It is, we think, indisputable that the immediate object aimed at both by Ganesh Savarkar and by Kurwe, was the same, namely, to overawe the Government by force or by show of force. The infirmity in action of which Kurwe complained with regard to Ganesh Savarkar, manifested itself also amongst Kurwe's followers, and they therefore had recourse to one of a group of plotters at Aurangabad in order to accomplish the murder of Mr. Jackson. This leads us to a consideration of the activities of the Aurangabad and Yeola accused.

ANANT KANHERE OF AURANGABAD

The actual murderer of Mr. Jackson was a young Brahmin of Aurangabad named Ananta Kanhere. He and the accused Gangaram and the two of the Aurangabad witnesses, had taken secret oaths similar to those taken by many others of the accused and witnesses in the case, and had conceived the idea of preparing for rebellion by acquiring funds through dacoities, and by collecting arms.

Ganu Vaidya and Dharap, who were associated with the immediate followers of Kurwe, were in close touch with the Aurangabad group. Ganu also had paid two visits to the accused Tonpe, a sowcar of Yeola, who had business dealings with the Aurangabad firm of which the accused Gangaram was a member. Oaths were administered by Tonpe to certain persons in Yeola in the presence of Gangaram and there is reason to believe that Anant Kanhere himself had been sworn in by Tonpe. Tonpe appears to have been much interested in the idea of preparing bombs. He at one time proposed that a person should be sent to Paris to learn how to make bombs and had promised to provide funds to enable some one to be sent to Pen to learn how to make bombs from the accused Bapat, who, according to Ganu's information, was able to teach the process.

TIKHE OF HYDERABAD

Another ramification of the conspiracy has been traced to Hyderabad, where one of the Aurangabad plotters came into touch with the accused Tikhe and obtained from him a bomb formula and had talk concerning dacoities and the procuring of arms. There is more than one piece of documentary evidence in the case connecting this man Tikhe with Ganesh Savarkar and it appears that Ganesh had administered to him the oath of the Abhinav Eharat Society,

COMMON CONSPIRACY BETWEEN ALL THE GROUPS

It has been very properly argued by Counsel on behalf of the accused that the conspiracy charged must be one and the same against all the accused and that there cannot be a conspiracy without agreement between each and every one of the conspirators for the attainment of a particular object. It is argued that the conditions necessary for the establishment of one conspiracy between the various accused are not satisfied by the facts proved in the case. It is contended that the evidence does not go further than to establish the existence of certain local and isolated groups of plotters, ignorant of the designs of any group but their own. To establish a conspiracy, however, it is not necessary to establish conscious concert between each individual conspirator and all the rest. This is apparent from the terms of the Indian Penal Code, section 108, explanation V, which runs as follows " It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy of which the offence is committed ".

The facts above indicate active co-operation between the leaders of various local groups in the gratuitous distribution of Browning pistols and the preparation and distribution of picric acid, chiefly through the instrumentality of Khare, Patankar and Marathe.

The pistols could be used for only one purpose which, the literature disseminated by Vinayak Savarkar shows, was in his opinion calculated to conduce to the attainment of one ultimate object of the conspirators the overthrow of the British Government in India. There may have been no formal organisation among the conspirators. There was, however, a sympathy and a rapport which enabled them, as occasion arose, to get into touch with and assist each other. This conclusion results not only from the evidence of the preparations of and communications between the various accused prior to the murder of Mr. Jackson, but also from the instantaneous effects

produced on one occasion by the arrest of Ganesh Savarkar and on another by the news of the murder of Mr. Jackson. When Ganesh Savarkar was arrested the paper about explosives, sent to Patankar by Vithoba Marathe of Pen, was destroyed, the materials for picric acid in the hands of Ganu Vaidya and Deshpande two of Karve's followers—were removed from Nasik and concealed, and the pistols brought to Bombay by Chaturbhuj, were on arrival sent to a quiet asylum at Pen. Similarly, the news of the murder of Mr. Jackson was the signal for instant activity on the part of the Trimbak Marathe at Pen and the Boa at Poona in the disposal and secreting all their weapons and acids or chemicals capable of use in the preparation of explosives.

FOUR CHARGES

We now come to the cases of the individual accused. In order to justify conviction for the offence of conspiring to overthrow the Government by criminal force or show of criminal force, we hold it to be necessary to prove the following matters.

First—that the particular accused conspired ;

Second—That he did so for a political purpose such as gaining independence or for ending the supposed oppression by Government or by Government officers ;

Third—that the means contemplated were violent, as by the use of pistols or explosives ;

and *Fourth*—that the conspiring was in direct concert with others engaged in the general conspiracy already described ; or that it was a branch or offshoot of the general conspiracy.

In considering these matters we hold (i) that the taking of an oath by men and youths of the intelligence which most of these accused possess is itself strong evidence of conspiracy and indicates agreement to carry out the purpose of the oath ; (ii) that private consultation for and discussions of unlawful political designs are also evidence of conspiracy ; (iii) that the secret and unlawful possession of weapons such as Browning . pistols and the secret making of violent explosives such as picric acid or their secret possession is strong evidence of conspiring and of conspiring for unlawful purposes and with the intention of making use of methods of violence.

The organic connection of the local plots with the general conspiracy has already been fully demonstrated. It is, however, necessary

again to point out in connection with certain of the accused individually, that the Abhinav Bharat was an association for seditious purposes: and that it is so clear that its leading members did conspire to overawe the Government that the mere fact of belonging to that association is evidence which goes a considerable way towards making out the conspiracy charged.

PART PLAYED BY THE ACCUSED INDIVIDUALLY

V. D. *Savarkar*.—In dealing generally with the question of conspiracy, so much has been said about the activities of Vinayak Savarkar, that it is unnecessary to deal separately with his case at any length. We will however refer to a document disseminated by him in India when he was the manager at the India House. From internal evidence it would seem that it was written on the occasion of one of the anniversaries of the Indian Mutiny celebrated in London to which reference has already been made. The copy put in this case was found in the search of Kashikar's house early in 1909. It was originally received by Barve from Vinayak and given by him to Kashikar. It amounts to a vigorous declaration of war against the British Government. One sentence may be referred to as an illustration. "The war began on the 10th of May 1857, is not over on the 10th of May 1908 nor can it ever cease till a 10th of May to come sees the destiny accomplished." We find the accused guilty of the abetment of waging war by instigation by the circulation of printed matter inciting to war, the providing of arms and the distribution of instructions for the manufacture of explosives. He is, therefore, guilty of an offence punishable under section 121 of the Indian Penal Code. We also find him guilty of conspiring with others of the accused to overawe by criminal force or show of criminal force, the Government of India and the Local Government and he is therefore guilty of an offence punishable under section 121A of the Indian Penal Code.

Gopal *Krishna Patankar*.—In dealing with the general case of conspiracy, we have already indicated our conclusion that Patankar was the willing distributor of the pistols brought from England by Chatur-bhuj and prior to the arrest of Ganesh Savarkar had been in communication with Vithoba Marathe of Pen, regarding a formula for the preparation of picric acid. In the statement which he has made in this court, he does not attempt to dispute that he received a parcel of 19 pistols from Chaturbhuj at the request of Ganesh Savarkar nor does he dispute that knowing they were pistols, he placed them in the custody of Vithoba Marathe for purposes of concealment in consequence of the arrest of Ganesh Savarkar. But he says that at the time he was asked by Ganesh to receive a parcel about to be

imported, he was not told and did not know its contents and that it was only his promise to Ganesh which induced him to take and conceal the pistols after he had learnt from Chaturbhuj what the parcel contained, and it is argued on his behalf that he is guilty of nothing more than an offence under the Arms Act. We are, however, unable to accept this view of the facts, and we see no reason to doubt that his original confession made before Mr. Khopkar on the 11th January 1910, is substantially correct. It was adhered to before Mr. Montgomery, the Committing Magistrate, and supplemented by further details on the 9th of May 1910. It explains satisfactorily how it was that five or more Browning pistols came into the possession of Anna Kurwe and his associates at Nasik and how Khare was able to send up to the Boa two more pistols of the same kind. If we were to accept the statement in this court, there would be no explanation of how Chaturbhuj, arriving in Bombay more than a week after the arrest of Ganesh Savarkar, knew that Patankar was the person who would take over the pistols and where he was to be found. On the other hand, the story of Chaturbhuj that he was told by Vinayak Savarkar to take the pistols either to Bhat or Thatte, whose names and addresses were inscribed upon the cover of a letter entrusted to him, agrees entirely with the proved facts of the case, namely, that Chaturbhuj sought out Bhat and not Patankar and first came in contact with Patankar in the room of Bhat in the Madhavashram at Girgaum: This conclusion is supported by the statement of Bhat made to the Magistrate in the proceedings taken under the Fugitive Offenders Act. We think that Patankar's confession was carefully framed to exculpate Bhat as far as possible, but we have no reason to doubt the other facts confessed to by him. His confession incriminates him completely not only with regard to the pistols but also with regard to the attempts which were being made in 1909 to prepare bombs. The statements in his confession regarding his friendship with Ganesh Savarkar in 1908 and his dealings with the firm in which Gorhe was a partner are confirmed by indisputable documentary evidence and one of his letters to Ganesh to which reference has already been made shows that he was trying to make arrangements to publish a new edition of Vinayak Savarkar's Mazzini at the end of 1908. We have no hesitation in holding that he was one of the most active and dangerous members of the conspiracy, and is therefore guilty of an offence under section 121A of the Penal Code.

Vishnu Mahadev Bhat.—The home of this accused was in Nasik and he has for years been in intimate connection with the Savarkars. He was, according to his own statement in this Court, a student at Fergusson College, Poona, from 1903 to 1906 and was therefore a contemporary there of Vinayak Savarkar. He is mentioned by

the witnesses who have spoken from personal experience of the meetings of the Mitra Mela and the Abhinav Bharat at Nasik, as having been an original member of the first mentioned association. He appears as one of the supporters of Vinayak Savarkar in the centre of the photographic group to which reference has already been made. On the 14th of May 1907 he was the principal speaker at the Shivaji festival celebrated in a Nasik Theatre, the burden of his speech being that the festival was held in honour of Shivaji because he had established Swarajya, that the love of independence aroused by him had been lost, but that if it was recovered the 30 crores of people in India could accomplish anything they please. At the close of the proceedings the boys of the Mitra Mela sang the ballad on Afzul Khan, which formed one of the Flowers of the Abhinav Bharat Mela.

In the year 1907 Bhat had joined the Grant Medical College in ' Bombay as well as the Government Law School. On the 14th of July, having heard that the accused Barve was likely to fall into trouble over his inflammatory speeches at Ehiwandi and Thana, he wrote to warn him and advised him not to delay in making a partition of his estate in order presumably to save part of it from forfeiture in case the speeches led to criminal proceedings. In the year 1908 when attention had been directed to the publications of Ganesh Savarkar in the Abhinav Bharat Mela series, he wrote to Ganesh telling him how an account of a search at the Hind Agency office had been published in the Rashtramat in order to acquaint him (Ganesh) with the facts, and warning him that he and the proprietor of the Dattaprasad Printing Press would be asked to explain a payment of money in connection with the above mentioned publication and that therefore, Ganesh and the proprietor should see that they gave identical and suitable answers.

The facts above referred to point to the conclusion that the accused was an active and prominent member of the Abhinava Bharat Society. The same inference arises from a document found in the possession of Vinayak Savarkar at the time of his arrest. This document consists of a photograph of B. G. Tilak around which are written Sanskrit verses from the Mahabharat regarding war with the enemies of the country, and stating how good men of their own accord devote themselves to the welfare of others. Then is written in English a list of 5 names consisting of the Savarkar brothers, Vaman Keshav Datar and the accused Bhat, all of whom appear in the photographic groups which have been put in evidence. According to the account of Chaturbhuj, the accused Bhat was actively concerned in the receipt of the parcel of

Browning pistols. He says that the accused and Hari Anant Thatte were the addressees of a letter given to him by Vinayak Savarkar and the persons to one or other of whom he was told to deliver the pistols. That on the third day after his arrival in Bombay, which would be on the 9th or 10th of March, having failed to find Thatte, that he had found and spoken to Bhat about the pistols and had delivered Vinayak's letter and had been told by the accused to come again the same evening and that in the evening he had gone again and been introduced to Patankar whom Bhat sent with him to take delivery of the parcel.

This evidence has been much criticized on behalf of the accused. It is said that the story of Chaturbhuj is entirely false and that Bhat was, at the time assigned for the first interview, pursuing his studies at the Grant Medical College. No evidence has, however, been adduced in support of this suggestion. It is quite certain that Chaturbhuj was arrested on the 30th of December 1909 on being identified by Patankar at the Victoria Terminus in the presence of the police. He was at once taken up to Nasik and, though seriously ill from bronchitis verging on pneumonia, made a statement before the Magistrate on the following day in which he mentioned the letter addressed to Bhat and Thatte and told substantially the same story with regard to his interviews with Bhat that he had told in this Court. Again, Bhat on the 19th of January, when giving evidence in proceedings under the Fugitive Offenders Act, stated that Chaturbhuj had come to his room in the Madhavashram in the middle of March 1909 when Patankar was present, and had first talked with him (Bhat) and subsequently with Patankar and had then left with the latter.

Under these circumstances we feel obliged to accept the statement of Chaturbhuj. We think it is clear in Patankar's account in his confession of this interview with Chaturbhuj in Bhat's room, he has tried to screen Bhat. We entertain no doubt that Bhat was a prominent member of the Abhinav Bharat Society, in the confidence both of Ganesh and Vinayak Savarkar and a willing participator in the taking over of the pistols from Chaturbhuj, and is therefore guilty of an offence under section 121A of the Penal Code

Hari Anant Thatte.—The evidence against this accused No. 21, is first that of Chaturbhuj and of Koregaumkar. The former states that when he left London in February 1909 with the pistols and cartridges entrusted to him by Vinayak Savarkar, the latter gave him a letter

addressed to the accused Thatte and asked him to hand over to him both the pistols and cartridges; but that when he (Chaturbhuj) arrived at Bombay in March 1909 he could not find Thatte and so the articles were delivered to Patankar. Chaturbhuj also says that when some time afterwards he met Thatte, he admitted receipt of the pistols and cartridges. Chaturbhuj must be regarded as an accomplice and it would not be safe to convict Thatte on his testimony unless it is corroborated in material particulars by independent evidence. Koregaumkar also testifies that he brought a letter and also a message from Vinayak Savarkar requesting Thatte to send certain addresses to a seditious paper called " India " at Pondicherry. Koregaumkar further states that he gave the letter and the message to Thatte and that the latter replied " all right". This evidence of Koregaumkar would have been valuable if he had been able to identify Thatte in the dock ; but Koregaumkar failed to identify him. In their confessions both Barve and Kashikar implicate Thatte. Barve says that Thatte was one of the managers of the secret society in Bombay, a member of the central group of those who conspired to overthrow Government. Barve also speaks in his confession to the presence of Thatte at two seditious meetings, one at Kothure and the other at Sion. Kashikar states in his confession that Thatte presided at a meeting of the different branches of secret societies held at Nasik in April or May 1908. Both these confessions must be accepted with caution when they implicate others than the persons confessing. Barve, it is clear, was anxious in any case to save his Jaghir, and Mr. Guider has deposed that Kashikar wanted to be turned into an approver. Their confessions, so far as they incriminate others, can only be taken into consideration under section 30 of the Evidence Act. There is evidence no doubt to show that Thatte lived in Madhavashram with Patankar and Ehat in July and August 1908 ; that Dhanappa saw him at the house of Ganesh Damodar Savarkar; and that this Savarkar's book of addresses contains his name and address. But all this evidence falls short of the definite proof required to warrant his conviction of the offence of conspiracy to wage war against Government. The case is one of great suspicion against Thatte; but on the materials before us we are constrained to give him the benefit of the reasonable doubt that arises upon those materials. We therefore find him not guilty of the offences charged.

Krishnaji Gopal Khare.—Suspicion fell upon this accused owing to information received from Anna Kurwe, who was under arrest at Nasik. On the 3rd of January the accused Nagpurkar pointed out to the police a house at Girgaum known as Soman's Chaw, and a room on the third floor in the occupation of Khare was then searched in his absence. In the course of the day, having learnt

of the search he surrendered himself to the police, and on the 4th of January was examined in the office of the Deputy Commissioner, Criminal Investigation Department, in Bombay. He then made certain statements, in consequence of which on the same evening or next day he went in company with Mr. Vincent of Poona and on the 5th of January the house of Shidhaye was searched and two Browning pistols were found. On the same night the house of the witness Kavdikar at Poona was searched and a Browning pistol concealed under a pillow on a cot was found. The Boa states in his confession that he got the three pistols from Khare. Shidhaye says that he got the two pistols from the Boa tied up in a bundle which the Boa said contained silver. Kavdikar tells a similar story with regard to the pistol found in his house. It is proved to our satisfaction that this last mentioned pistol was received by Khare from Karandikar, a teacher in the school at Talegaon, on the suggestion of Marathe and was taken to Poona and handed by Khare to the Boa presumably for the purpose of concealment at the end of December after the murder of Mr. Jackson. According to Patankar's confession, he had handed to Khare three Browning pistols of which Khare at a subsequent date returned one. The witness Kulkarni says that Khare on different occasions during 1909 handed two Browning pistols to him in Bombay for delivery to the Boa in Poona. This Kulkarni also deposes that the Boa (who was an old friend), in the middle of 1909, procured his introduction to Khare in Bombay as a person who could make bombs. He says that he visited Khare and was by him taken in about July 1909 to a room in Macba's building where Nagpurkar showed him how to make picric acid and that Khare came to experiment in the preparation of the fulminate of mercury. Kulkarni is a witness whose evidence must be regarded with suspicion as he has evidently been mixed up in criminal conspiracy regarding affairs at Kolhapur and is not telling all he knows, but his visit to Khare in Bombay and his taking two pistols at Khare's instance to the Boa in Poona, and his introduction to Khare by the Boa, is, we think, sufficiently corroborated. It is possible that his story of the making of the picric acid in Macba's building with Nagpurkar is true, for it is not satisfactorily proved where Nagpurkar was living in July, 1909 and it is proved to our satisfaction that Kulkarni was in Bombay in that month. We do not, however, for the purpose of this case, regard this episode as proved.

We will now turn to the confession of Khare which he says was concocted by the police and extracted from him by torture. It is to be observed that to Mr. Montgomery as deposed to in this Court, his only complaint was that his moustache had been pulled. Before us, however, it is alleged that he was so maltreated by the police

on the 13th of January that he fainted. It appears to be true that he was seized with faintness on that day and a Hospital Assistant was at once called in to administer to him. The Hospital Assistant has been examined in this Court. He says that he saw no sign of ill-treatment and attributed the faintness to want of food from which the accused had abstained all day.

The Magistrate who recorded the confession has noted that he believed it to be voluntarily made. He was cross-examined in this Court and he adhered to that statement. Under these circumstances we think that the confession must be accepted and taken into consideration against the accused. That confession admits the receipt of two pistols, from Patankar, which were sent to the Boa by the hands of Kulkarni, and the receipt of another pistol from Karandi-kar at Talegaon which was handed by the accused personally to the Boa. It also states that the accused at the instance of Anna Karve, an old college friend, prepared picric acid in Bombay with Nagpur-kar who brought chemicals and utensils. A little fulminate of mercury was also made. These were subsequently taken by the accused to Poona, where his home was, in the May vacation of 1909, and on his departure for Bombay at the close of the vacation were handed over to the Boa at Poona. This story accounts satisfactorily for the making of the picric acid and the fulminate of mercury found in the searches at Shidhye's house and for the knowledge which the Boa possessed of the skill of Khare in the preparation of these explosives. The accused has been most strenuously and ingeniously defended by Mr. Baptista. but the defence is based upon inconsistencies in the statements of Eoa, Shidhye and Khare and the witness, Kulkarni, in reference to dates which are obviously only roughly approximate and form no satisfactory basis for destructive criticism. In our opinion the circumstances established are such that we must hold the accused guilty of being one of the most prominent members in the conspiracy charged, and therefore, guilty of an offence under section 121A of the Penal Code.

Venkaresh Parashram Nagpurkar (25).—The accused joined the Victoria Technical Institute as a student in the Mechanical Department in 1909 and was still a student at the date of his arrest at the commencement of this year.

It is proved that he was acquainted with Anna Karve who visited him at the Institute when he was living with the witness Dugal there in 1908. He was also living in a room in Lalji Morarji's Chawl at a later date and was visited there too by Karve. In the year 1909 the witness Kelkar says he had seen the accused with Karve and

Moghe both in a room in Macba's building near the Institute and in the eating house at Tapidas Chawl in the same locality and concluded they were living together. The Metha of the Macba estate lends corroboration to this by proving that Moghe was on the books as a tenant of a room in the Macba's building from January to April 1909. There is some evidence that at the latter end of 1909 Nagpurkar was living in the Institute quarters, but we have no independent and unimpeachable evidence as to his place of residence in the monsoon of 1909.

Nagpurkar was visited by the police on the 1st of January in consequence of information given by Anna Karve. He was arrested either on the 1st or the 3rd of January. On the 3rd of January the police searched the room of the accused Khare in Soman's Chawl which has been pointed out by Nagpurkar. On the 10th of January in consequence of a statement made by the accused certain soldering tools and pieces of tin plate and resin were discovered in a room, in which the accused had been living, in a box which the accused admits was his.

The accused also made a statement in the presence of Mr. Guider, who has deposed to it, that he had bought a flask and beaker at Kemp & Co.'s shop in the Fort for making picric acid with Khare. A search was in consequence made at this shop, and in the file of counterfoils, a cash memo for the 13th February 1909 of the sale of a flask, " etc." was found. It is proved by the Chemical Analyser, Captain Higham, that resin and hydrochloric acid also found in the possession of the accused would be of use in the making of bombs and the bomb manual of Vinayak Savarkar shows that soldering tools would be necessary for the same purpose.

Nagpurkar explains the possession of soldering tools by saying that an electrical student Gadgil with whom he once lived required them for his electrical course at the Institute. There is, however, no satisfactory confirmation of this. On the other hand, the companionship of Gadgil does not explain the pieces of tin plate which were found among the accused's effects. The confession of Khare states very definitely that Nagpurkar was concerned with Khare in the preparation of picric acid at the instance of Karve, and the confession of Patankar states that experiments had been made under Karve's auspices in making tin shells for Bomb and that owing to their failure Nagpurkar was sent to Patankar to ask where casting work could be done. Patankar says he mentioned the Penkar company at Dhulia as a place where possibly the work could be done. This it may be noted is the Company where the accused Gokhale was employed as fitter.

Accepting as we do the confessions of Patankar and Khare as being substantially true we are forced to the conclusion that Nagpur-kar made picric acid with both Khare and Karve and tried to make shells for bombs.

Under these circumstances we hold him guilty as a conspirator in the conspiracy charged, and therefore guilty of an offence under section 121A of the Penal Code.

Mukund Pandurang Moghe.—As against this accused No. 34, the evidence is insufficient for conviction. Some witnesses depose to his having lived for some time in Macba's building at Byculla with Karve and Nagpurkar : and Moghe admits the fact. In his confession recorded by Mr. Palsikar he says he was living at Byculla in 1908 with Karve and Nagpurkar and on two occasions he saw them preparing picric acid that on his questioning Karve, the latter replied " It will be very useful for the purpose of blowing up bridges and railways when a war begins in our country" and that he was satisfied with the answer. It was silly reply, of which it is suggested by the defence, and we think reasonably that it was not taken seriously by Moghe. Mr. Cooke, the Superintendent of Police, Nasik, deposes that in consequence of a statement made by Moghe that he had purchased about the middle of January 1909 carbolic and nitric acid from the shop of Teacher & Co., at Byculla he took Moghe to that shop and there discovered a cash memo, (exhibit 322) as to the purchase of carbolic acid, but no cash memo as to the purchase of nitric acid is forthcoming. When he was arrested there were found in his trunk some powders, such as borax, sulphate of arsenic and French chalk. These are very inconclusive circumstances. Karve mentions Moghe in his confession as one of Savarkar's group, but he says that Moghe was considered to be a spy and therefore turned out of the society. This is all the evidence against Moghe. We do not think it is sufficient proof of his complicity in the conspiracy charged. We therefore find him not guilty.

THE POONA GROUP

Under this head we deal with the cases of *Brahmagiri Boa, Shidhaye, Palande, Paranjpe and Bhave*. Many of the incriminating facts regarding the Boa have been referred to in the discussion of the general case of conspiracy and of that of Khare. Except for those facts, and the conclusions to be drawn from the finding of

pistols and explosives in Shidhaye's and Kawdikar's houses, the evidence against these five accused persons consists chiefly of what each has said about himself and the others. Their statements are confessional and so may be used to confirm each other. They afford ample mutual corroboration, and upon analysis it seems impossible to ascribe them to police concoction. We have no hesitation in accepting them as statements, though not full and complete accounts of what was happening in the circle of which the Boa was the centre. Shidhaye, Palande, Paranjpe and Bhave were the Boa's constant associates, and, considering the subject of their conversations, must have been a good deal in his confidence. They took part in the secretion of the Browning pistols and learnt their use and we are unable to believe that they were ignorant of the source from which they were derived. Shidhaye was so intimately in the Boa's confidence that the latter handed over to him for safe keeping two pistols received from Khare at different times, together with the explosives received from Khare, all of which things were found in Shidhaye's house after the murder of Mr. Jackson. Shidhaye and Palande took active steps to see whether a plan for committing a political murder in a train could be successfully carried out. Bhave proposed the murder of a certain high official which was discussed by all these accused with the exception of Shidhaye. The Boa, who was the most prominent member of this Poona group and was looked upon as the leader, was in intimate connection with the distributors of pistols in Bombay.

There can be no doubt that community of political ideas was the bond of union between these accused. It is urged in their defence that murder and outrage were contemplated for revenge and not in pursuance of the conspiracy charged, but we think that there can be no doubt that the accused were prompted by political and not private motives. No doubt, in a conspiracy for overawing the agents of the Government by assassinations, some process of selection must take place, which will often be influenced by particular acts of some officer which arouse more than ordinary disapproval, but the fact, that such motives exist, does not alter the general character of the conspiracy. For these reasons we hold each of the accused to be guilty of the conspiracy charged and guilty of an offence under section 121A of the Penal Code.

Anant Vishnu Konkar.—Although it is stated in his confession that he was a member of a secret society it is not established that this accused conspired with the group of which the Boa was the centre.

He was the purchaser of two Browning pistols which, there is reason to suspect, formed part of the parcel imported by Chaturbhuj. They were, however, not procured gratuitously from either Patankar Khare or Marathe, but were purchased from one Ketkar upon whom the police have been unable to lay their hands. During the police investigation in this case one of these pistols was produced by Konkar from a place of concealment in his house.

We have come to the conclusion that he must be convicted of an offence under section 20 of the Arms Act XI of 1878.

Vishwas Balvant Davre.—According to his confession the purchase of two pistols from Ketkar, referred to in the case of Konkar, was negotiated on behalf of this accused. He paid Rs. 82 for one of them and took delivery of it together with two boxes of cartridges. The other pistol which he had contracted to purchase was not delivered and was found in the possession of Konkar. He states that some time after the murder of Mr. Jackson, Konkar wanted him to keep the pistol safe, as houses were being searched. He then tied up the pistol and cartridges in a piece of cloth and threw them into a well. That well was searched by the police and a Browning pistol and full box of 25 cartridges were found. An attempt has been made in his defence to divert guilt from him to a Marwari Gamnaji Pitaji in whose compound some chemicals were found buried, which Davre in his confession says he buried for the purpose of concealment. It is suggested that Davre purchased the pistol merely as the agent of Gamnaji. The evidence does not support this conclusion. Moreover the theory does not tally with other incriminating circumstances regarding ownership of an airgun stated by the accused to have been acquired for the purpose of learning to take aim and the purchase of chemicals from a dealer in Poona, the independent evidence regarding which corroborates portions of Davre's confession. According to his confession, Davre was acquiring pistols and explosives for political purposes, but there is nothing to show that he was acting as a member of any conspiracy, and we therefore, hold that his offence is one falling under section 20 of the Arms Act.

Shankar Pandurang Mahajan.—It is, we think, fully established that this accused was the intermediary between Ketkar and Konkar in the purchase by the latter of two Browning pistols for Davre. It is not, however, proved that he received any commission or reward for what he did in the transaction. We are not prepared to hold that he has committed any offence under the Arms Act of which we could on the evidence convict him on virtues of section 233 of the

Criminal Procedure Code. There is no evidence of his having been concerned in any branch of the conspiracy with which we are dealing in this case, and we therefore, find him not guilty.

Damodar Mahadev Chandratre.—Accused No. 2 was arrested on the 24th of December on the information of Ganu Vaidya and Karve who had been already arrested for complicity in the murder of Mr. Jackson and who have since been convicted. On 7th of January 1910 accused Chandratre made a confession before Mr. Palshikar, First Class Magistrate, in which he admitted that he had joined a society the object of which was to offer resistance to oppression by collecting money, weapons and people ; that at a meeting held at his house and attended by four members of the society, viz., Karve, Deshpande, Soman and Kelkar, the oath of the society had been administered to him ; that he had gone to Bombay from Nasik and learnt from Karve how to prepare picric acid ; that he had received a Browning pistol from Deshpande; and that Anant Kanhere, the murderer of Mr. Jackson, had put up with him on the day of the murder and also on a previous occasion when he had visited Nasik. Chandratre retracted this confession before the Committing Magistrate and he has retracted it in this Court also, alleging that he had made the confession in consequence of ill treatment by the police ; but no complaint on that score had been made by him when the District Magistrate visited the Sirkar Wada where he was lodged in custody ; nor did he complain of any ill treatment by the police to Mr. Montgomery, the special Magistrate, when he visited the Wada. The confession is corroborated in some particulars by the evidence of the pardoned approver, Ganu Vaidya. Gosavi says that Chandratre was a member of the Mitra Mela and the Abhinava Bharata. The Magistrate who recorded the confession has deposed that it was made voluntarily. There is this important fact in addition against the accused that it was in consequence of information given by him soon after his arrest that one of the 19 pistols which Chaturbhuj had brought from Europe and handed over to Patankar was discovered. It is Exhibit A-10 in the case Ganu Vaidya states that he gave it to Soman to be delivered to Chandratre. It was a loaded pistol. Chandratre is implicated by accused Kelkar in his confession. On this evidence we are satisfied he is guilty of the offence under section 121 A.

Purshotam Lakshman Dandekar, accused No. 3, is a student of Nasik, aged 18 or 19. He was arrested there on the 25th of December 1909 on information given by Ganu Vaidya. He is implicated by the accused Dharap in his confession. Dharap says that he gave the

oath of his and Ganu Vaidya's secret society to Dandekar. His association with Ganu Vaidya for the purposes of the society is spoken to by Ganu. Ankushkar states that he (Dandekar) came one day to Ganu Vaidya with something like a pistol in his hands and gave it to Ganu. Dattu Joshi corroborates Ankushkar. Bhaskar Sadashiv Oke, a relation of Ganu Vaidya, saw Dandekar at Ganu's house once or twice. There is also evidence to show that Dandekar visited the house ostensibly used as a handloom factory by Deshpande but where on the 3rd floor picric acid was prepared. All this evidence, which we see no reason to disbelieve, is confirmed first by Dandekar's own confession and secondly by the incriminating character of the articles either found in his house or pointed out by him. On the 4th of January 1910 he made a confession before Mr. Palshikar, admitting that he had taken the oath of Ganu Vaidya's secret society, and joined it; that for the purpose of financing it he had stolen a sari belonging to the wife of Anant Dinkar Joshi, who lived in his house as his tenant; that he had learnt to prepare picric acid; that he had obtained two pistols from Ganu Vaidya which on the arrest of Anant Kanhere for the murder of Mr. Jackson he had thrown into a bush of prickly pear near the public road. This confession was confirmed by him before the Committing Magistrate as having been voluntarily made and as being true. In this Court, however, he has retracted it on the ground of alleged ill treatment by the police. Eut the confession is corroborated by two unimpeachable circumstances. One is that on the very day of his arrest he took the police and the Pancha to the banks of the Godavri river and there pointed out a loaded Browning pistol hidden under a bush of prickly pear (Exhibit A-6) as the one which he had thrown on the arrest of Mr. Jackson's murder. At a search of his house on the same day was found a book of aiming drill (Exhibit A-14) which plainly suggests his connection with the secret society, one of the rules of which was as is proved by a paper (Exhibit 98) found in a search of the house of accused Kashikar (No. 37) that the members should learn to take aim with a musket so far as one can. Ganu Vaidya deposes that he once sent Dandekar to Bombay to bring a flask to prepare picric acid. In a confession made before Mr. Aston, Chief Presidency Magistrate, Bombay, Dandekar admitted the purchase of a flask by him in Bombay and he pointed out to Mr. Fahey, Mr. Aston's clerk, the shop at Grant Road, where the flask had been purchased. He also pointed out the kind of flask bought. A specimen as pointed out by the accused has been exhibited in the case and Captain Higham, Chemical Analyser, says that such a flask can be used only for laboratory purposes. The second circumstance relates to the theft by the accused of the sari belonging to his tenant Joshi's wife. He now

denies the theft and his Counsel has strongly relied in support of the denial of the fact that Joshi admittedly never made any complaint of the theft to the police. The stolen ornament belonged to a Brahmin woman and Brahmin women are in the mofussil generally speaking loath to take any action that must necessarily compel them to appear in Court. The theft occurred, according to the evidence of Joshi and Ganu Vaidya, in May 1909. Both of them depose that the accused Dandekar was suspected because soon after the disappearance of the ornament he had left Nasik for Poona and that two men were sent to enquire after him and the theft; one of these was his own maternal uncle, Sadashiv Ganesh Joshi, sent by Dandekar's mother and the other Gangadhar Trimbak Bhagwant sent by Karve's father. Both of these have been examined for the prosecution Dandekar's maternal uncle Sadashiv Ganesh Joshi states that his sister sent him to Poona to enquire after him and about the theft. In his statement made in this Court Dandekar admits that he had gone to Poona in May 1909 and that his maternal uncle had been sent there by his mother ; but he cannot explain why his maternal uncle had been sent. Under these circumstances we must accept the evidence of Ganu Vaidya corroborated as it is by the independent and credible and uncontradicted evidence of the three witnesses abovementioned. Then there is the evidence as to his visit to Vengauam in November 1909 with Ganu Vaidya for the purpose of proceeding to Bhimashankar to incite the Kolis and Katkaris there to commit dacoities. Dandekar has admitted before us his visit to Vengauam with Ganu and also the fact that he, Ganu, and the accused Manohar intended proceeding to Bhimashankar. But he denies that their object was to incite the Kolis and Katkaris to commit dacoity. On these materials it is amply proved that Dandekar is guilty of an offence under section 121A of the Penal Code.

Ramchandra Babaji Kathe, accused No. 8, was arrested on the 1st of January in consequence of information given by Ganu Vaidya. The latter in his evidence and Dharap in his confession as also Dandekar in his, state that an oath of independence was administered to" Kathe ; Kathe in his own confession states that it was no more than an oath to use Swadeshi articles. So far he cannot be presumed to have joined any conspiracy to overawe Government. Ganu Vaidya states that as his own preliminary examination at his school was approaching he distributed the materials he had for preparing picric acid among some of his friends and that he gave to Kathe three bottles of carbolic acid to keep until he called for them. Ganu however states that he did not tell Kathe what the bottles contained.

Kathe in his confession admits that he received the bottles; but he says he did not know their contents, because they were in a sackcloth bag with a lock put to it, the key of which Ganu kept with himself. He further states in the confession that one or two months afterwards he offered to return the bag to Ganu, but that the latter replied " Let it remain with you" ; that some time after that, the people of his house having asked him to clear the window where the bag was kept, he threw the bag into the river, because suspicion entered his mind regarding the bottles. We must accept this version in the absence of any evidence to implicate Kathe in the conspiracy charged. As to the evidence of the search of his house at Rangangaum, where a sword and a book relating to the Paisa Fund were found, we do not think we should draw any inference adverse to him, since it is proved that Kathe lived at Nasik and attended the school, visiting Rangangaum during the holidays; whereas his father and brother lived the latter place and the Sword (Exhibit A-18) is an old one found in a lumber room. Kathe found not guilty.

Vinayak Kashinath Gayadhani, accused No. 4, was arrested on the 25th of December 1910 in consequence of statement made to the police by "Vinayak Narayan Deshpande, who has been tried, found guilty, and hanged for the murder of Mr. Jackson. There is no direct evidence against this accused that he took the oath of any secret society or that he took part in any conspiracy of the kind charged at this trial. His own confession admits no more than that Deshpande had given him two days before his arrest a bundle wrapped up in a handkerchief and asked him to keep it or throw it away. He says he did not examine to see what was in the bundle ; but that he threw it on the roof of the house of his neighbour. When discovered, the bundle was found to contain a loaded pistol. These statements do not amount to a confession of the offence of conspiracy charged. The accused Chandratre does indeed say in his confession that he tried to teach Gayadhani how to prepare picric acid in Deshpande's factory; and Kelkar, accused No. 5, states in his confession that Gayadhani was present at the factory on one occasion when picric acid was being prepared. Ambadas Gangadas Gurge deposes that Gayadhani was seen by him visiting the factory with Ganu Vaidya, Dandekar and Gorhe. Ganu Vaidya, who has given a more or less full account of the conspiracy and the parties to it in Nasik and other places, makes no mention of Gayadhani; and from the mere fact that he joined others on one or two occasions at what may have been only an experiment in preparing picric acid

it would not be safe to infer his guilt. We, therefore, find accused No. 4 Vinayak Kashinath Gayadhani not guilty of that offence.

Vishnu Ganesh Kelkar, accused No. 5, must be found guilty as a conspirator. Gosavi proves that he was a member of the Mitra Mela and the Abhinava Bharata and that his speciality was physical culture. He was arrested on the 25th of December 1909 on the information of Ganu Vaidya and Mr. Palshikar recorded his confession on the 7th of January 1910. In that he admitted having taken the oath of the secret society, prepared picric acid, and obtained a loaded pistol from Chandratre and given it to the accused Gorhe. That confession he retracted before the committing Magistrate, on the ground that he had made none of the statements contained in it but that he had merely affixed his signature to what had already been written. Before us he alleges that he had been illtreated and tortured by the police and that what he stated before Mr. Palshikar was different from what that Magistrate had recorded in writing as his confession. Mr. Palshikar's evidence disproves all these allegations and we are satisfied that the confession was voluntarily made and is true. Kelkar is implicated by Chandratre in his confession and the loaded pistol (Exhibit A-10) was discovered in consequence of information given by Kelkar after Chandratre had first put the police on the tract for its discovery. There is also direct evidence that Kelkar was seen visiting with Dandekar and Gorhe Deshpande's factory and going to the 3rd floor there. We convict Vishnu Ganesh Kelkar of an offence under section 121A of the Penal Code.

Sakharam Dadaji Gorhe, accused No. 12, arrested by Mr. Guider on the 28th of December is mentioned by Gosavi as one of the members of the Abhinava Bharat belonging to the top class. Dhanappa saw him once or twice in that association. Limaye saw him at some of its meetings. Gosavi deposes that it was Gorhe who started a discussion about the collection and use of arms for the purposes of the Society. The oral evidence of Gorhe's association with the conspiracy initiated by Ganesh Damodar Sarvarkar finds ample support from the documents in the possession of the accused himself and elsewhere. Mazzini was the idol and ideal of the conspirators of the Abhinava Bharat; Vinayak Savarkar had translated and his brother Ganesh had published in Marathi Mazzini's autobiography. The Abhinav Bharat Mala and the Laghu Abhinav Bharat Mala were series of highly inflammatory and seditious poems 'preaching murders, assassinations for the obtaining of Swarajya and independence. Copies of these books were found at searches of the shop and the house of Gorhe. A paper written in Balbodh was

among the papers discovered at the Search in his shop and the writing in it is a most scurrilous abuse of the English with a prayer for revenge on them " With the heels of my shoes ", says the writer of this paper, " I must throw him down" (meaning the English)" on his back, on his face. I must crush his neck like that of a snake, and must make their blood flow in streams ". It is also proved that Gorhe was present at a meeting where Vinayak Damodar Savarkar on the eve of his departure for England delivered on the 28th of May 1906 a lecture on the Swarajya Bhakti, praised Shyamji Krishna Varma, and counselled his audience to cultivate the spirit of Shivaji to free themselves from foreign servitude, Gorhe thanked Vinayak at the invocation to " the Goddess of Independence " ; and the only explanation he can offer is that the invocation did not express any opinion he held but was merely adopted with a view to attract customers. Some witnesses speak of Gorhe's association with Soman, one of the prisoners convicted of complicity in the murder of Mr. Jackson. He had dealings with the hand-loom factory of Deshpande and Soman. That is admitted by Gorhe in his statement before the Committing Magistrate. Ganesh Savarkar's letter (Exhibit 346) proves that Gorhe had a hand in the publication of the literature of the Abhinav Bharata. Then there is the fact of the discovery of the Browning pistol Exhibit A-10 to which we have referred in dealing with the case of accused No. 2 Chandratre and accused No. 5 Kelkar. That pistol, according to information obtained by the police from Kelkar, passed on from Kelkar to Gorhe. Gorhe in his statement to the Magistrate does not deny the fact of his having come into possession of a bundle from Kelkar. His version is that when one evening he and Kelkar happened to go to a temple, the latter placed his clothes and bundle he had in his hands on the Ghaut of the temple and asked Gorhe to take care of them until his return from prayers ; that as Kelkar did not return soon and it was getting late, he (Gorhe) asked Trimbak Deshpande to take care of the bundle till Kelkar's return. But Trimbak gives a different version. According to him Gorhe gave him the bundle to keep for 3 or 4 days after Mr. Jackson's murder, and that latter version is more in accordance with probabilities that Gorhe's version.

It is impossible to doubt that Gohre was in complete sympathy with the purpose of Abhinava Bharat Society and was an advocate of, or in agreement with, methods of violence. He undoubtedly conspired with others and his membership of the Abhinava Bharat and proved association with men like Soman, Deshpande and Kelkar leave no doubt on our minds that he conspired with those others for purpose of overawing the Government. He is therefore guilty of an offence under section 121-A of the Penal Code.

Vinayak Vasudev Manohar, accused No. 13, a student, aged 16 or 17, was arrested on the 30th of December on information from Ganu Vaidya and Dharap. Both of them have implicated him the former in his evidence before this Court and the latter in his confession. Ganu Vaidya states that Dharap gave the oath of the secret society to Manohar; that Manohar proposed the instigation of the Kolis and Katkaris at Bhimashankar to the commission of a dacoity for the purposes of the secret society and that it was in consequence of his proposal that he, Ganu Vaidya, and Dandekar left Vengau for Bhimashankar, but returned without going there because the journey was wearisome. Dandekar in his confession admits that visit to Vengau. Dharap in his confession admits having administered the oath of independence to Manohar. Manohar made a confession before Mr. Palshikar on the 4th January in which he admitted having joined Dharap's secret society, having received on two occasions pistols for safe custody from Ganu. That confession he retracted before the Committing Magistrate and he has also retracted it before us on the ground that he had made it through fear of the police and ignorance. But before the Committing Magistrate in retracting the confession as recorded by Mr. Palshikar, he admitted that Dharap had administered an oath to him without his knowing what it was about; and that during the Ganpati festival Dharap had introduced him to Ganu and that Ganu had made enquiries of him concerning Swadeshi movements, dacoities and bombs. He also admitted before the Committing Magistrate that Ganu Vaidya and Dandekar had visited him at Vengau for the purpose of proceeding to Bhimashankar. These admissions and his confession with the rest of the evidence against him are sufficient proof of his complicity in the conspiracy to overthrow Government. At the same time we think he is a boy of smaller intelligence and understanding than most of the accused; (see the evidence of Ramkrishna Kane, a witness examined by the prosecution) and that circumstance will be taken into account in passing sentence upon him. We find him guilty of an offence under section 121A of the Penal Code.

Raghunath Chintaman Ambdekar, accused No. 32, a student, aged 18, was arrested at Tangaum on the 18th of January. Ganu Vaidya speaks to his having been a member of the secret society of Dharap as well as that of Soman and to his having stolen a wristlet for the purposes of Dharap's society. There is evidence that when he visited Tandur he tried to give the oath of the society to others and induced them to join him and his conspirators for the purpose of obtaining Swarajya. The accused made a confession before Mr. Palshikar in which he admitted having taken oath of Swarajya

and joined the secret society for the purpose of subverting the Government. In that confession he made a full disclosure of the cipher language employed by the secret society of which he had been a member. That confession was acknowledged by him as true before the Committing Magistrate. He is implicated in their confessions by Dharap and Dandekar. He must therefore be found guilty of the offence of conspiring to overthrow the Government under section 121-A of the Penal Code.

Gopal Govind Dharap, accused No. 11, was arrested on information given by Ganu Vaidya on the 26th of December 1909. He is a young Brahmin, aged 18 ; and was a student residing in the Nasik Vritta Printing Press at the time of his arrest. He is implicated by Ganu Vaidya in the conspiracy and both Dandekar and Manohar incriminate him in their confessions. His own confessions recorded by Mr. Khopkar and deposed to by the latter as having been made voluntarily established his guilt. He substantially adhered to that confession in his statement made to Mr. Montegomery, the Committing Magistrate, and begged for mercy, though in this Court he has retracted it. It is satisfactorily proved that Dharap was a member of what is called Soman's society, Soman being one of the prisoners convicted of complicity in the murder of Mr. Jackson by Anant Kanhere and sentenced to transportation for life. Dharap in conjunction with Ganu Vaidya established another secret society, which is spoken to by some of the witnesses for the prosecution as either Ganu's or Dharap's secret society. The members of both societies worked together under the leadership of Anna Kurve. Dharap was the man who administered the oath of Swarajya or independence to several of the accused persons in this case and to others; and it was he who put into Ganu Vaidya's head the idea of visiting Aurang-abad and procuring arms from there for the purpose of the secret society. It was Dharap who introduced by a letter Ganu Vaidya to his friend Gangaram Rupchand (accused 26) and through him to Anant Kanhere, the actual murderer of Mr. Jackson. Dharap was one of the most active spirits of the conspiracy. We find him guilty of the offence charged under section 121-A of the Penal Code.

Keshav Ganesh Paranjpe, accused No. 35, was arrested on the 24th of December on information given by Ganu Vaidya, liberated on the 8th of January and re-arrested on the 21st of February 1910. The only evidence against him is that of Ganu Vaidya and of Dattu Joshi. Ganu deposes that he entrusted to Paranjpe for safe custody three bottles of potash and one bottle containing alcohol, because as

his (Ganu's) examination was approaching he was distributing the materials and articles he had for preparing picric acid. But Ganu Vaidya admits that he did not inform Paranjpe of the contents of the bottles and that Paranjpe did not know what the potash was for; that neither he nor any one else, so far as he is aware, gave the oath of the secret society to him ; and that he only talked for one year with Paranjpe about Swadeshi. Both Ganu and Dattu Joshi say that shortly after Mr. Jackson's murder Paranjpe came to Ganu's house, informed him of the murder and asked him whether he (Ganu) had anything to do with it; and that he enquired of Ganu what he should do with the bottles he had given to him for safe custody. Ankushkar gives substantially the same account. Dattu Joshi states that Paranjpe appeared at the time sorry for Mr. Jackson's murder. At a search in the house where Paranjpe lived a book on drill and a copy of the poems *Abhinava Bharat* and *Lagu Abhinava Bharat* were found, but it is proved that Paranjpe lived there with his elder brother and these books were among 200 books in the house. All this evidence is not sufficiently conclusive to connect Paranjpe with any conspiracy to overawe the Government. He is therefore found not guilty.

Tonpe, Gangaram and Tikhe.—We take together the cases of the three accused *Tonpe* of Yeola, *Gangaram* of Aurangabad and *Tikhe* of uncertain residence but a frequenter of Secunderabad and Hyderabad. The sworn testimony proves conclusively that there was a political association at Yeola in which both Tonpe and Gangaram were interested and another association in Aurangabad of which Gangaram, two of the witnesses and the murderer Anant were members. Apart from the confessions and from G. B. Vaidya's evidence it is not conclusively proved that the Yeola association was for¹ more than Swadeshi oath only. But these witnesses do not appear to be telling the whole truth and the confessions, confirmed as they are by G. B. Vaidya's testimony and that of Ankushkar and Dattu Joshi, establish beyond doubt that the Yeola association had a seditious purpose. There is no doubt of the really seditious nature of the intentions of the Aurangabad group. Tonpe was one of the two accused who said to Mr. Montgomery that he had been ill-treated by the Police. Gangaram has not asserted that his confession was improperly advised. His story is that he told it willingly even cheerfully in order that he might be tried with his friend Anant. He says, however, that his own inventive faculty was aided by that of the Police. On consideration of everything relating to these confessions we are of opinion that neither offends against the provisions of section 24 of the Indian Evidence Act. Tonpe's confession is less, Gangaram's it may be

a good deal more, than the truth. G. B. Vaidya's testimony where it relates to Yeola and Aurangabad affairs is corroborated in important particulars by the testimony of the two witnesses Ankushkar and Dattu Joshi and is confirmed by the confessions. There is nothing like invariable correspondence in details but there is a general consistency which makes it easy to ascertain the broad facts. Tonpe's defence is a denial of the facts and the assertion that his political interests were confined to Swadeshi movement. The facts are proved. There is no room for doubt that Tonpe's political activities were not confined to the Swadeshi movement. He was a member of a secret society and had accepted and encouraged the idea of independence. Undoubtedly also he encouraged discussion and enquiry regarding explosives and bombs. He was certainly aware of a conspiracy extending beyond Yeola and Aurangabad and was in agreement with its purpose which he knew comprised the use of violent measures. He had intimate discussions with G. B. Vaidya, the emissary of Karve's society in Nasik, and that brings him into direct connection with the general conspiracy with which we are concerned. These facts do not, in the general circumstances of this case, admit of any rational explanation but that Tonpe conspired with others to overawe the Government by force or show of force. He therefore is guilty of an offence under section 121-A of the Indian Penal Code.

Gangaram's case is equally clear in so far as it is proved that he was aware of the wider conspiracy and was in intimate relation with Anant, the murderer, and Vaidya the emissary from Nasik. There is clear evidence that up to a certain point he was conspiring with Tonpe in Yeola and with the two witnesses and Anant in Aurangabad for seditious purposes. He denies this and asserts that throughout he was opposed to methods of violence and used all his powers of persuasion against them. There is a good deal in the case which suggests that though he theoretically agreed to the use of violence he became opposed to that idea when he suspected that Anant was pledged to a murderous venture. He certainly seems to have been infirm of purpose at that time. Upon the proved facts a distinction must, therefore, be made between him and the other members of the group. He a Marwadi, came in contact in the school which he attended with some Brahmin boys of superior intelligence and astuteness, who had been caught in the new wave of sedition and Swarajya. One of these Brahmin boys was Anant Kanhere the murderer of Mr. Jackson. He exercised a fascinating influence over Gangaram who was given to the use of the intoxicating drug known as ganja. Anant lived as a tenant in one of Gangaram's houses and that house became more or less the rendezvous of the

young conspirators. Gangaram, falling into such company, was naturally led to share their views and join in their wild talk. But when he saw that his companions were about to translate their words into deeds and were endeavouring to use his friend Ananta for the purpose of political murders he seems to have realised the risks they were running. He protested and tried to prevent his companions from using Ananta as their instrument for murder. Ananta and the other Brahmin boys, however, avoided him on that account as far as they could and plotted without taking him into their confidence. Gangaram was against Ananta going to Nasik to murder Mr. Jackson. So a telegram from Ananta's brother at Barsi was manufactured, requesting Anant to leave Aurangabad for Barsi immediately, because the brother was seriously ill. And by that false telegram Gangaram's suspicions and fears were allayed. Under these circumstance, while holding Gangaram guilty of the offence of conspiracy to overawe the Government under section 121-A Indian Penal Code, we think we are warranted in taking a lenient view of his case for the purposes of sentence.

Tikhe's case considered with these two because the evidence establishes that he came into direct relation with Ankushkar, a witness in the case, who was a member of the Secret society at Aurangabad. Tikhe was something of a wanderer (like Dharap, Manohar and Ambdekar and like them discussed politics v/ith those with whom he became acquainted. It was in this way that he came to be in seditious intimacy with Ankushkar. Tikhe tells us in his confession that he received the oath from G. D. Savarkar. There is corroboration of this statement in the facts that his name and address are found in Savarkar's address book and that a written copy of the oath was found amongst his papers signed Ganesh Damodar Savarkar. There was also found there a copy of a bomb formula a seriously defective one but none the less an indication of a dangerous spirit and criminal purpose. Ankushkar was allowed to take or was supplied with copies of this formula. These facts are established beyond doubt. The defence, which is a denial of them fails, and no innocent explanation of them is supplied. It is plain that Tikhe conspired or he would not have taken the oath from Savarkar and have kept and have been a party to disseminating copies of the bomb formula. The incident of that formula shows that he conspired for a violent and criminal purpose and his relations with Savarkar and his discussions with Ankushkar leave no room for doubt that the purpose was to intimidate and overawe the Government. His connection with Savarkar and with Ankushkar shows that he was aware of a widespread conspiracy and was in agreement with its object. It follows

that he also is guilty of the same offence as Tonpe and Gangaram, punishable under section 121-A Indian Penal Code.

THE PEN GROUP

What is called the *Pen group* comprises four persons *Bapat*, *T. G. Marathe*, *Gokhale* and *Jog*. *Bapat* and *T. G. Marathe* are school masters, the former about 20, the latter about 26 years of age. The other two are boys of 19 or 20. They were all inhabitants of Pen and undoubtedly they were known to each other. Some of them had been the pupils of *Karandikar* a former school master at Pen and the person to whom through the instrumentality of a witness a pistol was sent by *T. G. Marathe*, *Gokhale* and *Jog* were friends and corresponded with one another. There is no definite evidence that any one of these four persons took an oath, nor are facts established which clearly justify the inference that they collectively belonged to any political association though there is evidence that there were what is known as *Akhadas* in Pen and that *Gokhale* and *Jog* belonged to one of those associations. The facts established by the evidence in *Bapat's* case are that he was a teacher who gave instruction, amongst other things, in elementary chemistry; that at one time he had in his possession a paper containing information about explosives ; that he was intimate with the two youthful conspirators, *Manohar* and *Dharap*, and spoke to them with very indiscreet frankness on the subject of bombs. On the other hand *Manohar* in his confession bears out, so far as he is concerned, the explanation *Bapat* offered in the earliest statement he made to Magistrate. This explanation is that he reproved both *Manohar* and *Bapat* for mixing themselves up in matters which might lead to violence and warned them both to have nothing to do with such affairs. His intimacy with these two boys is naturally explained. *Manohar* had been his pupil and *Dharap's* brother was his friend. *Bapat* did not make a confession; he made an exculpatory statement, and the facts admitted by him, though they indicate disloyal sentiments and almost if not absolutely criminal indiscretion do not justify the inference that he conspired with others to overawe the Government, nor do his admissions, taken with the facts otherwise proved, establish it. He therefore is found not guilty.

Gokhale was found to be in secret possession of two *Browning* pistols, a book of instructions regarding them and some turned pieces of brass partially hollowed out as if for cartridge cases. He admitted, and we do not doubt, truthfully, for he is a mechanic, that he had pistols to repair and that he was making the pieces of brass into cartridge cases. It is somewhat uncertain whether he obtained the

pistols from Vithoba or from the accused T. G. Marathe ; but he had them from one or the other and it does not really matter from which of the two. Besides these circumstances there is the fact that V. and T. G. Marathe were both conspirators. But, taking that and the other proved circumstance into account, it is doubtful whether they justify the inference that he conspired with others to overawe the Government. He is herefore found not guilty on that charge. But it is certain he is guilty of a grave offence under the Arms Act, section 20. The accused Jog is a young boy against whom the inference that he conspired to overawe the Government is still less justified by the facts proved. He had some old arms entrusted to him by Gokhale when very young and threw them into a well, and a broken bottle of dilute acid was found thrown away in a compound where he had once lived. Others, however, had lived there also. There is no certain evidence of close association with a proved conspirator for it is not conclusively shown that Jog's friend Gokhale was a conspirator.

Considering the nature of the arms which Jog had and the long confinement he has undergone we do not think it necessary to record against him a conviction for offence under the Arms Act.

The case against T. G. Marathe is very different. Something has already been said about this man. He was so closely associated with Vithoba Marathe who undoubtedly was a conspirator that when the former became dangerously ill the Browning pistols in Vithoba's keeping were entrusted to T. G. Marathe. It is clear that he acted in concert with Patankar, for he afterwards sent one of the pistols to him. It is also clear that he had secret unlawful relations with others, for he sent another pistol to Karandikar. His name was disclosed to the police by Patankar and this led to a police raid on Pen on 31st December 1909. At that time Marathe had four Browning pistols in his keeping and becoming aware of the police visitation or of their impending arrival he persuaded his friends Godbole and Kolhatkar to put away two each. They were found by the police. The occurrences of the 31st December are amply proved by the sworn testimony. There is also credible sworn testimony that T. G. Marathe sent the pistol to Karandikar. The rest of his doings are disclosed in his own confession and Patankar's. He confirmed his confession except as to one detail when questioned by the Committing Magistrate on the 10th May. We hold that it does not offend against the provisions of section 24 of the Indian Evidence Act.

No explanation of the facts is forthcoming. It is clear that T. G. Marathe conspired with Vithal Marathe and with Patankar. for at

their instigation he hid and kept the pistols. It is equally clear that he was prepared to do what in him lay to enable to others to use them for he sent two away one to Patankar, the other to Karandikar. It is plain he did not act in the furtherance of any lawful purpose. Taking into account Marathe's conduct, the deadly character of the weapons he concealed and distributed and the circumstances of the time and place, we can only infer that he did conspire to overawe the Government by criminal force or show of criminal force, and is guilty of an offence punishable under section 121-A of the Indian Penal Code.

Barve, Kashikar and N. D. Sawarkar.—Then there is the case of three accused persons *Barve, Kushikar, and Narayan Damodar Savarkar*, who were not directly connected with either arms or explosives but who were members of the Abhinava Bharat Society. Of these three the two first alone made confession. As we shall have occasion to point out, those confessions are of little force against any individuals except Barve and Kashikar themselves ; but they do give us considerable *knowledge* of the nature and constitution of the political organisation of which the Abhinava Bharat of Nasik is the Centre. This knowledge confers what is to be gathered from the sworn testimony and has enabled us to describe with confidence the object and purpose of the Abhinava Bharat society in the terms we have used in an earlier part of this judgment. Those who were in the confidence of the leaders undoubtedly knew that the purpose was to obtain independence and that this was to be done, first, by preparing the minds of the young ; especially by teaching them to hate the existing Government, secondly by training to fight for independence those of the young whose minds were prepared ; and thirdly, by collecting money and materials for the purpose. These things were to be done secretly, when to do them openly was dangerous. Barve as one of his speeches shows was a strong advocate of secrecy. Undoubtedly there were many who personally stopped short of the third stage, but they were aware that this stage was contemplated, and so long as they adhered to the general scheme it must inevitably be inferred that they were in agreement even with the use of violence as a means of their end. It follows that those who were whole heartedly in favour of the object of the Abhinava Bharat were in favour of overaweing the Government by force or show of force. If they worked for the general purpose, they were actively in agreement with that object; and if they conspired with others for that purpose, they are guilty of the offence with which they are charged ; for, as has been shown, the

conspiracy of the members of the Abhinava Bharat was organically part of the general conspiracy.

Barve and Kashikar were undoubtedly members of the Abhinava Bharat Association or of a branch. This is established by the sworn testimony, confirmed by their confessions.

It is proved that in June 1907 Barve made decidedly anti-British speeches at Thana and Bhiwandi. In one of them he advised his hearers to read his friend Savarkar's book on Mazzini. It is also proved by independent evidence that he established a political association at Igatpuri by inducing a number of people there to take an oath which though largely Swadeshi oath is proved to have contained something about Swatantrata and to have been administered to persons in the presence of a picture of Shivaji. The accused Kashikar became a leading member of this Igatpuri Association. In his confession Kashikar says the object of the oath he took was that " people were to be collected and educated in different branches". He further says Barve told him that in order to obtain independence they wanted men to be collected and it was only for that his assistance was required and that Barve also told him he would come to know other members and that " when we would be introduced to members a new oath would again be administered ". His statement shows that his interest in the association which was beyond doubt a branch of the Abhinava Bharat continued for a considerable time. He attended meetings in connection with the association and at the search of his house there were found a copy of some rules connected with and memoranda relating to it and indicating some intimation of European revolutionary societies. He sold books; amongst them, he tells us undoubtedly truly, Savarkar's Life of Mazzini. His confession is very long and detailed and decidedly verbose. It was given in all probability in the hope that he would be pardoned and made a witness. Mr. Guider tells us that this was Kashikar's wish. He confirmed his confession before the Committing Magistrate, but it does not inspire confidence where he refers to other persons and has very little weight so far as it implicates them individually. In it he repeated from the written memoranda found in his house a list of about 30 towns and villages where he said were branches of the Abhinava Bharat. In this Court it has been explained that the list was of places where there were possible purchasers for his books. It is also said that after arrest he added to those memoranda incriminating particulars at the instigation of the police. This we do not believe.

It is quite clear from his own and Barve's statements and from the important part he is proved to have taken in the affairs of the Igat-puri branch that not only was he a member of the Abhinava Bharat Society but that this society was to his knowledge a seditious association. Kashikar has not himself made any admission which carries the case further against him; but his memoranda contain the words " Russian revolution constitution " and " Revolutionary Party ", " plunderer of treasury " and " must not take the oath of any secret society other than the Abhinava Bharat". The copy of the rules found in his house was undoubtedly a copy of the Abhinava Bharat Society's rules and provides for " awakening the mind," scouting, sword exercise and " taking aim with a musket", There was found in his possession a copy of the pamphlet " Oh martyrs " in praise of those who fell fighting against the British in 1857. It is the same pamphlet which was distributed at a Mutiny meeting in London in 1908. There was also found in his house a highly seditious picture which amongst others holds up to admiration Khudiram Bose, the bomb thrower at Muzafferpur and Chapekar the .murderer of Mr. Rand.

The defence is a denial, not an intelligible explanation of the facts, and that defence fails. Kashikar was certainly an active conspirator so far as propaganda work went, and though it does not appear that he in any way concerned him-self with firearms or bombs he was assuredly aware in a general way of designs to overawe the Government, by force and was in agreement with those designs whether he had or had not any intention of personally taking part in acts of violence. There is no rational explanation of the facts compatible with innocence. Him we find guilty of conspiring to overawe the Government, an offence punishable under section 121-A, Indian Penal Code.

This brings us back to Barve, the father of the branch of the Abhinava Bharat to which Kashikar belonged. His case is in essential the same as Kashikar's. His confession is no more convincing as regards others but shows clearly enough his own sentiments and his adherence to the cause of independence. He displayed activity in various ways : at first by his disloyal speeches; and by despatching to others seditious pamphlets sent to him by V. D. Savarkar. It was he who sent to Kashikar the pamphlet " Oh martyrs". The reasoning which brings the charge home to him is precisely the same as in Kashikar's case; the defence is similar and no more convincing. It is impossible to resist the conclusion that he conspired and that he was aware of. and in agreement with,

designs for violence, whose purpose was to overawe, probably to overthrow, the Government. Like Kashikar he is not shown to have concerned himself with firearms or bombs and after the search of his house in 1908 he seems to have become quiescent. These are matters which may properly be taken into account in imposing punishment but he is guilty of the same offence as Kashikar.

Narayan Savarkar's case is of the same type, though the evidence incriminating him is more largely circumstantial. It is satisfactorily proved from a speech he made in May 1908 that he was a pronounced advocate of independence and in certain cases regarded political assassination as justifiable. Prior to Vinayak's departure for England, whilst the Abhinava Bharat association was taking shape he lived with his brothers in Nasik. After that for some time he continued to live with Ganesh Savarkar. His speech shows that he had come under their influence, and it is difficult to believe otherwise, especially as one of Vinayak's principles was to impress one young. Gosavi deposes that Narayan was a member of the Mitra Mela. Dhanappa mentions him and giving Swadeshi advice to boys and Limaye states that he attended meetings at his brother's house. We do not doubt that these statements are true; they are very probable and certainly are not prompted by and not display animus against Narayan or police tutoring. Had either influence been operating, more directly incriminating facts would have been described.

Narayan was evidently in the confidence of his brother Ganesh, for it is proved that after his arrest, whilst in the lockup, Ganesh sent for Narayan and gave him certain cryptic instructions. The conduct of the latter shows that he understood them but the authorities were on the alert. The Savarkar's house was at once searched and Narayan's accidental moving of a loose brick disclosed a hiding place. It was here that were found a number of private papers and the copy of the bomb manual.

A letter written by Narayan to his brother Vinayak in England was intercepted in the post and has been put in evidence. It is headed with an invocation to the Goddess of independence, displays his desire for the liberation of their motherland and his entire readiness to do the bidding of his brother.

There is no direct evidence that Narayan took an oath or even handled or was concerned with arms or explosives. The case against him is that no rational treatment of the facts justifies any conclusion but that Narayan was a member of the Abhinava Bharat, aware of its object, wholly in sympathy with its purpose and prepared to do

all in his power to follow in the footsteps of his brothers. It is to be inferred that he conspired as did the leading members of the Abhinava Bharat, because his intimate connection with them and warm interest in their objects make it impossible to draw any other inference. But no doubt he was dominated and misled by his elder brothers : he is still very young, not more than 20 and 21 years of age, and it may be hoped that it is possible for him to eradicate the impression made on his mind by pernicious teaching. He also is guilty under section 121-A but it would be cruel and unreasonable to inflict on him a severe sentence, and possibly the best thing for him as for some others is that the sentence should be light.
