

**VINAYAK DAMODAR SAVARKAR**

(FROM H. D. SPECIAL VOLUME 60 OF 1908-1909.)

The following letter gives us an idea about the arrest of Ganesh Damodar Savarkar and subsequent search of his house at Nasik : —

**Confidential.**

No. S. B./461 of 1908.

POLICE COMMISSIONER'S OFFICE :

Bombay, 21st October 1908.

My dear Bowen,

Your confidential D. O. dated 16th instant. Ganesh Damodar Savarkar was arrested on the 12th June last near the Esplanade Police Court for being a member of an unlawful assembly, during Tilak's trial in Aston's Court. Before this I was having enquiries made regarding an alleged seditious publication by Vinayak Damodar Savarkar, brother of Ganesh Damodar Savarkar. On his arrest Ganesh was searched and on his person among other papers, one copy of " How the Russians Organise a revolution " was found. Inspector Favel was sent the same day to Nasik with a note from me to the Collector, asking that the house might be searched. It was searched by the police and the books under reference were taken charge of on 13th idem, an application was made to Aston to authorise the police to investigate in the matter of the alleged seditious publication, which was granted. The books under reference were not however taken charge of under any warrant or process of any court.

Yours sincerely,

(Sd) H. G. GELL.

J. C. P. Bowen, Esq.

The District Superintendent of Police, Nasik, wrote the following letter to the District Magistrate, Nasik : —

C  
No. — of 1909.  
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From

I. G. FOARD, Esq., District Superintendent of Police, Nasik ;

To

A. M. T. JACKSON, Esquire, District Magistrate. Nasik.

Nasik, 31st March, 1909.

Sir,

I have the honour to forward copies of translation; of eight letters from Vinayak Damodar Savarkar now in England studying for a barrister to his brother Ganesh Damodar Savarkar of Nasik, in whose house the original letters and some seditious correspondence were found on the 2nd instant. Among the correspondence is a copy of the Manicktolla Bomb Formula.

2. It will be seen from these letters that Vinayak has repeatedly asked his brother Ganesh to send him the Bande Mataram Essay. The manuscript of this essay was also found among the correspondence in Ganesh's house. It is written with pencil in the Balbodh Character. It has been shown to an expert in handwriting in Bombay who says it is identical with that of Ganesh, other specimens of whose handwriting were shown to him.

3. A translation of the essay, Exhibit No. 11, accompanies from which it will be seen that the language is most violent.

4. Vinayak Damodar Savarkar is a well known rank extremist and it will be observed from one of his letters to Ganesh, that he advocated a defiant stand being made by the extremists, should Government prevent the holding of the Congress at Nagpur in December last.

5. Ganesh Damodar Savarkar is now on trial under sections 121, 121A and 124A, Indian Penal Code. But apart from the offences he

is at present charged with, the correspondence seized in his house after his arrest, fairly indicates that he has been conspiring with others to subvert British rule in India.

6. I would, therefore, beg to suggest that Government may be moved to ask the Home Authorities to have the belongings of Vinayak Damodar Savarkar, whose address is Indian House, London, thoroughly searched for incriminating documents in English and Marathi. "

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BOMBAY GOVERNMENT'S LETTER TO THE GOVERNMENT OF  
INDIA

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,  
Home Department.

Sir,

I am directed to forward for the information of Government of India copies of translations of eight letters from Vinayak Damodar Sawarkar of India House, London, to his brother Ganesh Damodar Sawarkar of Nasik. The original letters were found by the police in Ganesh's house together with some seditious literature. Among the latter was a copy of the Manicktolla Bomb Formula and the manuscript of the Bande Mataram Essay. A translation of the essay also accompanies, from which it will be seen that it is couched in most violent language.

2. Vinayak Damodar Savarkar sailed for England in June 1906, having accepted one of the lecturerships of Rs. 1,000 offered by Shyamji Krishna Varma. Since his arrival in England he has translated into Marathi the autobiography and political views of Joseph Mazzini, which he sent to his brother Ganesh to have printed and published at one of the local presses at Poona, and is said to be now engaged in writing a book on the Indian Mutiny, and it is probable that the book will be of such a nature that it will be advisable immediately to suppress it.

3. It is a well known fact that a considerable amount of seditious literature finds its way into India from the India House, and I am to suggest that copies of this correspondence may be

forwarded to the Indian Office for information and such action as may be found fit.

4. I am to add that Ganesh Damodar Savarkar is being prosecuted by the Bombay Government under sections 121, 121A and 124A of the Indian Penal Code and he has been committed to the Sessions by the District Magistrate, Nasik, on the following charges : —

(1) That on the 18th March 1908 he attempted to excite disaffection against the King and Government by publishing poems called " Laghu Abhinava Bharat Mala. "

(2) That he abetted the waging of war against the King.

(3) and that in December 1908 at Nasik he was concerned in a conspiracy with Luxman Vasudeo and others to wage war against the King.

I have etc.....

Ag. Secy, to Government."

The case was heard by Mr. C. B. Kennedy, Sessions Judge, Nasik. The whole case was directed against the poems published by G. D. Savarkar under the name " Laghu Abhinav Bharat Mala". 3,000 copies of the book were published. The accused was not the author of the poems but the owner of the copy right. His name appeared as publisher. The accused accepted responsibility for the contents of the documents. The poems were hymns intended to be sung at the festivals of Ganpati and Shivaji.

The Judge thought that publishing of the poems was a crime under sections 124A and 121A of the Indian Penal Code and sentenced Savarkar to undergo transportation for life and to forfeit all property to the Crown. Under section 124A he was sentenced to undergo two years' R. I., the sentence to run concurrently with that passed under section 121A. The sentence was passed on 8th June 1909.

Ganesh D. Savarkar appealed to the High Court against this sentence. The Judges were Justice Chandavarkar and Justice Heaton. Both of them concurred with the Sessions Judge and confirmed the sentence on 18th November 1909.

## V. D. SAWARKAR ARRESTED IN ENGLAND

(FROM H. D. SPECIAL FILE NO. 60-A, 1909 to 1922.)

The letters written by V. D. Savarkar to his brother G. D. Savarkar were produced as evidence against the latter during his prosecution. Government then considered how far it would be possible to prosecute V. D. Savarkar, who was then studying for the Bar in England.

The question was how to get Savarkar arrested in England. It could only be done under the Fugitive offenders' Act of 1881. The matter was referred by Government to the Advocate General for his opinion and he expressed the view that the Act could not be applied to V. D. Savarkar. The matter was then referred to the Legal Remembrancer who suggested the following : —

" The practical course on the Advocate General's opinion is as follows : —

Lay information before a Magistrate that the person whom it is sought to apprehend is a Native Indian subject of His Majesty, and has conspired to deprive the King of the Sovereignty of British India or any part, thereof, an offence punishable under section 121A of the Indian Penal Code and obtain a warrant under section 75 of the Code of Criminal Procedure directed as required by section 77. The necessary evidence available in India should be before the Magistrate under section 29 of the Fugitive Offenders' Act, preferably in the presence of the Police Officer to whom the warrant is addressed and to whom it is desired that the fugitive should be delivered. The police officer with the warrant and the evidence should then apply for an endorsement of the warrant to the Secretary of State, or a Bow street Magistrate, under section 3 of the Fugitive Offenders' Act.....".

The Evidence against V. D. Savarkar after he left India for England was as follows : —

(1) He was the Manager of the India House kept by Krishna Varma, the Editor of the Indian Sociologist.

(2) On 8th January 1909 he was present at the Guru Covind Sing meeting in London and made a speech " inciting the Sikhs to rise against the Indian Government. "

(3) He organised the meeting at which what is known as the Khalsa leaflet was distributed.

(4) Letters alleged to have been written by him to his brothers at Nasik.

(5) Certain seditious speeches delivered by him during the first five months of 1906.

Shri G. D. Savarkar was undergoing his sentence in the Yeravda Central Prison. He gave evidence that the letters found with him were written by his brother V. D. Savarkar.

The case being thus prepared, proceedings were undertaken against V. D. Savarkar in England under Fugitive Offenders' Act.

" On 20th April 1910, at Bow Street Police Court before Sir A. de Rutzen, V. D. Savarkar, 24, an Indian Law student was charged on remand as a fugitive offender with sedition and abetment of murder in India.

Mr. Bodkin and Mr. William Lewis appeared on behalf of the Director of Public Prosecutions, Mr. Reginal Vaghan defended.

The prisoner was remanded until Saturday.

The case was resumed on Saturday, Mr. Bodkin, in opening the case, said that the proceeding had been taken at the request of the Indian Government.

A provisional warrant for the prisoner's arrest was granted at the Court on February 22 upon receipt of a telegram from India, stating that a warrant had been issued by a Magistrate in Bombay.....The original warrant which was granted in India on February 8, charged the prisoner with five offences under the Indian Penal Code, all of which came within the Fugitive Offenders' Act of 1881. The first charge was of waging war or abet the waging of war against, the King in India. The second charge was to conspire to deprive the King of the sovereignty of British India or any part of it. The third charge was for collecting arms or ammunition or otherwise waging war against the King. The fourth charge was of spreading disaffection against Government established by law. The fifth charge was of abetment of murder.

It was alleged that a large number of speeches had been made at Nasik and elsewhere exhibiting a great hostility to the Government in India and inciting the people there to acts of violence for the

purpose of subverting the Government. The prisoner was represented to have said, " Are there no weapons except arms ? There are many which need not be more fully explained here."

" Though we were made armless, still we require arms when we have determined to overthrow the Government we want weapons.....Let us fight with weapons. It means that we must preserve our religion."

FROM " DAILY EXPRESS " OF 2ND MAY 1910

" The documents received from India in support of the case included the deposition of a man named Chatterbhuj, who told a striking story of happenings at India House.

" Chatterbhuj spoke of his relations with Savarkar at that address He gave the names of several persons who used to attend meetings there and described the character of the proceedings. It is made clear by the deposition that Savarkar took a prominent part in these meetings, presiding on some occasions and making speeches of a revolutionary character.

" Chatterbhuj referred at length to a book printed at India House. It was illustrated and on one occasion Chatterbhuj asked what the pictures were. Savarkar replied, ' Pictures are pictures '.

' The book was circulated by post, and Savarkar said he must not address any of the wrappers, as his handwriting was known to officials in India. He stated also that none of the books was to be posted at Highgate or in the neighbourhood.

" Chatterbhuj was made a member of a secret society of which Savarkar and one of his brothers were the founders. He described his initiation, and the objects of the society which included the levying of war.

" He declared that while he was at India House on February 14, Savarkar and another man prepared a parcel which he afterwards took to Bombay and delivered to a man whose name he gave. He made other statements of an important character, clearly indicating Savarkar's intentions.

"Mr. Bodkin included in his evidence a translation of some parts of Savarkar's book on the Mutiny and he corroborated

the statements as to Savarkar's connection with the Mitra Mela, a secret society in India. He also referred to certain visits to Krishnavarma in Paris and to the Dhingra incident."

FROM " TIMES " OF 13TH MAY 1910

" The case was completed at the previous hearing and the Magistrate now ordered the prisoner to be returned to India for trial, and said he would be allowed the usual 15 days in which to appeal, but if his advisers should require further time in which to make the necessary preparations he was sure that any application on the subject to the Home Office, would be duly considered."

FROM " TIMES " of 25TH MAY 1910

" Mr. A. Powell K. C. and Mr. J. M. Parikh moved for a writ of Habeas Corpus on behalf of Vinayak Damodar Savarkar who had been committed by Sir Albert de Rutzen for removal to India under the Fugitive Offenders' Act of 1881. This was before the High Court of Justice, King's Bench Division before the Lord Chief Justice of England, Mr. Justice Pickford, and Mr. Justice Coleridge. The Solicitor General (Sir Rufus Isaacs K. C), Mr. Rowlatt, and Mr. Bodkin showed cause ; Mr. Powell K. C. and Mr. J. M. Parikh appeared in support of the Rule.

" The Solicitor General deposed that in the affidavit of Chatterbhuj it was stated that at the meetings at India House, the means suggested for independence of India and driving the English out of India were the collection of arms and the killing of Englishmen by arms or bombs, and it was said that the deaths of 15 natives did not matter if they resulted in the death of one Englishman. Buttons inscribed " to Martyrs of 1857 " were distributed. The applicant had shown him certain books dealing with the manufacture of Bombs. At dinner one evening one of the boarders said he had assaulted Sir William Lee Warner, that the Police would probably come, and suggested that any thing against the Government should be concealed. In consequence Savarkar called the deponent into his room and gave him three bottles and two packets of powder, and asked him to pour the contents of the bottles on to the ground when nobody was watching, warning him that they were dangerous. A week before the deponent left for India the applicant persuaded him to become a member of the secret society. He took him to a room and closed the door from the inside. He then placed a lamp with ghee in it on the mantelpiece, and put a picture of Shivaji on it. He poured



water into the hollow of the deponent's palm, reciting Sanskrit sloks and translating them into Hindustani. He told him his duties were to be ready to wage war against the Government with such weapons as he might have, sacrificing life, family and possession. The deponent said he took the oath, but had now released himself from it in his own mind. The applicant gave him a parcel of 20 Browning pistols to take to India and hand it over to the addressee, which he did. The Solicitor General said that these pistols were useless for sport and could only be used for killing men. The pistol with which Mr. Jackson was shot had been ascertained to be one of these 20 pistols. These men had been executed in respect of this murder. In one of his letters Savarkar suggested that they should make India independent, and that the one who did the most to obtain that result should be made the monarch.

After some further argument the Lord Chief Justice gave his judgment, regarding the rule of *nisi* for a writ of *habeas corpus* obtained at the instance of Vinayak Damodar Savarkar, directed to the Governor of Brixton Prison. The Judge came to the conclusion that even if Mr. Powell, the Defence Counsel, was right in saying that the applicant did not come within the term of section 2 of the Act, that he came within the terms of the Act as applied by section 33 to a different set of circumstances. He, therefore, was of opinion that there were no grounds under section 10 for declining to send the applicant to India for trial.

Mr. Justice Pickford delivered judgment to the same effect. Mr. Justice Coleridge also concurred."

" TIMES " OF 17TH JUNE 1910

An appeal from the above judgment of the Divisional Court discharging a rule *nisi* for a writ of *habeas corpus* was made to the Court of appeal consisting of Lord Justice Vanhan Williams, Lord Justice Fletcher Moulton and Lord Justice Buckley. The Court dismissed the appeal on the ground that as the notice stood there could be no appeal. They gave Mr. Powell leave to serve short notice of an original motion under the Fugitive Offenders' Act, 1881, for next day morning.

FROM " TIMES " OF 22ND JUNE 1910

The Court having allowed a preliminary objection to the hearing of the appeal and having on that ground dismissed the appeal, the case was continued in the shape of an original application under the

Fugitive Offenders Act, 1881, its proper title now being " Application under the Fugitive Offenders' Act, 1881—Ex-party Vinayak Damodar Savarkar."

In concluding the judgment, Lord Justice Vanghan Williams said, " But in a case connected so much with India as this is, the *prima facie* right to trial in England is overridden by the facts of this case, which show that India is the locality of the seditious conspiracy which resulted in murder. I decline entirely to hold that Savarkar is likely to get an unfair trial before the special court of three judges. In fact, I adopt in the main the dicta as to the questions arising in the dicta of the Majority of Judges in the King's Bench Division. I conceive I may do this although we have no sort of appellate jurisdiction in respect of this matter."

Lord Justice Fletcher Moulton and Lord Justice Buckley delivered judgment to the same effect.

With the consent of the Solicitor General, it was arranged that the warrant should not issue for seven days.

### PRISONER SAVARKAR ATTEMPTS TO ESCAPE AT MARSEILLES

(FROM H. D. SPECIAL FILE No. 60 B OF 1910.)

*Reuter published the following news : —*

I

London July 11.

It transpires that Savarkar made a desperate attempt to escape from the " Morea " at Marseilles. He squeezed himself naked through the bathroom porthole and fled along the quay. He was caught by a gendarme.

II

London July 19.

Paris telegrams state that as a result of an official enquiry into Savarkar's escape at Marseilles, the French Government, in view of

the fact that he was actually on soil, have requested the British Government to suspend the trial till full report of the case is received. It is stated that according to International law it may be necessary to bring Savarkar back to France for extradition.

### "POSTPONE SAVARKAR'S TRIAL"

*Telegram dated 20th July 1910 from Secretary of State to Governor of Bombay :—*

" A very awkward point has been raised by the French Government as to the recapture of Savarkar on French soil. We shall promise to examine their arguments, but meanwhile, during the examination, these circumstances point to your judicial proceedings being temporarily suspended. This might be done as quietly as possible, without any reasons being publicly given."

*Telegram dated 22nd July 1910 from Secretary, Bombay Government to Nasik :—*

" You are directed not to proceed with complaint against Savarkar pending further orders. Please inform Montgomerie and Davar. Warn them not to discuss the matter."

*Telegram from Secretary of State to Governor of Bombay, dated 22nd July 1910 : —*

" With reference to the case of Savarkar, I am advised that, under the Indian Criminal Law, it rests with the Court that issued the warrant to determine the course of trial. I have therefore to request that you will cause an application for the postponement of the trial to be made, on the ground that an international question has been raised which it is desirable to settle before the commencement of the trial."

*Telegram from Governor of Bombay to Secretary of State, dated 23rd July 1910.*

" Savarkar. Your telegram dated 22nd instant. The proceedings in the Magistrate's Court at Nasik will be postponed. I trust, however, that an early settlement may be possible, as delay will be inconvenient legally and gravely disadvantageous politically."

## HAPPENINGS OF THE ESCAPE AND RECAPTURE

How Savarkar tried to escape at Marseilles can be gathered from the statements of —

(1) C. J. Power, Esquire, Deputy Superintendent of Police, on Special Duty to the Deputy Inspector General of Police, C.I.D.

(2) Head Constable Mahomed Siddik of the C.I.D., Poona.

(3) Amarsing Sakharamsing, Head Constable, IV Grade, Nasik Police States.

(4) Inspector Edward Josh Parker, Detective Inspector of Police. New Scotland Yard, London.

*The following summarises the above Statements: —*

Inspector Parker was deputed by the Commissioner of Metropolitan Police, at the request of Government of India to accompany Mr. Power to Bombay and to assist him in looking after Prisoner V. D. Savarkar. Although provided with First Saloon Passage, Parker travelled in the Second Saloon so as to help Mr. Power in looking after the prisoner. There were two native Head Constables named Siddick and Sing to form part of the escort. Mr. Power, Savarkar and Parker occupied the same Cabin. It was a four berthed cabin. Savarkar and Parker occupied the lower berths and Mr. Power the one above Savarkar's. The party left Tilbury in s. s. Morea on the 1st July, 1910. They touched at Gibraltar on the 5th July and stopped there about four hours from noon to 4 p.m. They reached Marseilles about 10 a.m. on 7th July. The vessel was moored alongside the quay in the dock. As soon as the party arrived a French Police official, " Henri Leblias, Commissarie Adjoint de "Emigration, 37, Boulevard des Dames—Marseilles " went on board and met Parker. He produced an official letter addressed by the Commissioner of Police, London, to the Chief of Police, Paris, representing that precautions be taken to prevent, any demonstration or attempt on the part of Savarkar's friends resident in France, to interview him or to facilitate his escape during the time the Morea remained at Marseilles. The Commissarie promised Parker every assistance. He took him ashore and introduced Parker to the Police officials stationed on the Quay whom he directed to render Parker any assistance that might be found necessary. Parker spoke French and could converse in that language.

The morning after the arrival at Marseilles (8th July) at about six o'clock, Savarkar got out of his berth. Parker sat up in his berth and asked him to see what time it was by his watch which was lying on a cabinet in the cabin. Savarkar said it was 6-15 and returned to his bed. Parker remained half awake. About a quarter of an hour later Savarkar said he wanted to go to the water closet. Parker unlocked the cabin door and took him in the direction of the lavatory. The two head Constables Siddick and Sing were standing near the kit boxes which were kept in the passage about 12 feet beyond the entrance to the lavatory. Parker beckoned to them. They both approached him at a quick pace buttoning their coats as they came along. Savarkar and Parker entered the lavatory and were followed immediately by the two Head Constables. Parker allowed Savarkar to enter 'one of the water closets the door of which was open. It was the second one from the end, opposite the urinals. Savarkar closed the door. Parker stepped on the platform of the urinal and could see Savarkar on the seat through the opening over the door which was about 18 inches wide. Parker noticed that the port hole in the W. C. in which Savarkar was seated, was shut. All the port holes were closed owing to the steamer having coaled during the night. Parker then directed Sing to stand up on the platform and keep an eye on Savarkar from there. Siddick was standing at the door of the W. C. between Sing and Savarkar. Parker returned to the cabin to dress himself.

There was an opening of about three inches at the top and bottom of all the closet doors. Sing peeped under the door and saw two slippers as if the person who wore them was seated. Sing concluded it was Savarkar, but to make sure he stood on a urinal and peeped through the opening over the door. He saw Savarkar's body half through the port hole. He shouted at him and tried to force the door open but it would not yield. Two panes of glass broke in the door. Simultaneous with Sing's attempt to force the door, Savarkar disappeared through the port hole. Sing immediately raised an alarm and ran on deck to secure Savarkar. Head Constable Siddick also went with him. They ran on the quay. Savarkar landed on the quay as these two appeared on the deck. The side of the ship was about 10 to 12 feet from the quay. Savarkar had to swim that distance to reach land. As soon as he landed on the quay he commenced to run. Mahomed Siddick and Sing ran after him shouting "Catch him", "Catch him". Some of the ship's crew joined in the chase. Savarkar ran for about 200 yards and then stopped partly from exhaustion and partly owing to his progress being blocked by a number of Frenchmen who were employees of the dock. A gendarme on the quay also joined in the pursuit. They all came

up together. Sing seized Savarkar by the back of the neck, the second Saloon Head Steward of the " Morea " seized his right wrist and the gendarme his left wrist. Savarkar said to the gendarme " Take me into your custody. Assist me. Take me before a Magistrate ". The gendarme did not understand English and none of the others could speak French. They took him back on board the Morea and went straight to Power's cabin. The door of the cabin was closed. Some one knocked at the door. Mr. Parker opened it and found Savarkar standing outside the cabin door guarded by a gendarme, the two head constables and some of the Ship's Stewards. Savarkar's clothes were quite wet. Head Constable Sing reported what had happened to Power in Hindustani. Mr. Power informed Parker that Savarkar had escaped through the port hole of the W. C. and had been captured on the quay. Parker afterwards was informed by the French Police Officer who accompanied Savarkar on board, that he had seen Savarkar running along the quay and had stopped him and brought him back to the ship. Later in the day Commissaire M. Le Blais came and saw both Mr. Power and Parker, inspected the W. C. from which Savarkar had escaped and said he would have to report the matter to the French authorities. The ship remained at Marseilles until 11 a.m. the next day when she sailed for Port Said. Between the second visit of Mr. M. Le Blais and the departure of the ship nothing transpired. No other French official came to make any enquiries about the matter. After Savarkar was brought on board. Parker telegraphed to Superintendent Quinn, New Scotland Yard as follows : " Prisoner attempted escape. Recaptured. Report follows. "

Savarkar was then securely handcuffed and kept under very strict guard. As all through the period of this episode Mr. Power was sleeping in the Cabin without any knowledge of what had happened, he was called upon by Government to state what measures he took for the security of the prisoner generally and what special measures he prescribed while the " Morea " was in port.

In reply, Power supplied Government all the details of Savarkar's life on board the ship.

#### SHOULD SAVARKAR'S TRIAL BE SUSPENDED ?

Regarding Savarkar's trial *Government of India* sent a telegram to London as under on 3rd August 1910 : —

"Could approximate date decision Savarkar be assigned? Arrangements here much affected. Presume Lammirande Case Canada 1866 strictly analogous but more in our favour has been considered."

*The Secretary of State* sent reply to the above on 4th August 1910 : —

"Your telegram of the 3rd August. We must consult Law Officers, but the particulars asked for below must be communicated to us before this can be done. It is now stated by the French Government that Savarkar's escort, on his attempting to escape at Marseilles, pursued him for about 400 metres on land and helped his capture, the French policeman, to take him back to the ship, although he was not actually arrested by them. A minute description is urgently required of their action from the time when the attempt became known to them until the completion of the recapture. I shall be glad to receive immediately by telegram a full narrative of events with all possible detail."

*Government of Bombay* sent a detailed telegram on 5th August describing the escape episode. The details in the telegram were similar to facts detailed above. The telegram added :—

" Regarding Magisterial Proceedings, now in abeyance, is there any objection to continuing investigations ? Proceeding can be stopped short of committal pending conclusion negotiations which would not be prejudicial. If Savarkar not surrendered, High Court can proceed with case jointly with that of other accused.. If investigation postponed inconvenience and delay will be serious."

*Secretary of State* sent a reply to the above telegram on 12th August as under : —

" Savarkar. Your telegram of 5th August. Case is about to be submitted to Law Officers. Investigation by Magistrate must, therefore, be suspended for the present."

After a few exchanges of telegrams seeking to find out whether it was the French Gendarme who first caught Savarkar or it was the Indian Constable who did it, the *Secretary of State* telegraphed to Bombay on 31st August 1910, as under : —

"No application by the executive for further adjournment in the case of Savarkar is necessary, as French Government will be told that proceedings in Court cannot be stopped but that, if the conclusion arrived at on the international issue should require it, we shall still be able to restore him to their jurisdiction after judgment has been pronounced."