CONFIDENTIAL.

DELHI RECORDS.

RETURN TO NATIONAL ARCHIVES OF INDIA

1916.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

POLITICAL—A.

Proceedings, September 1916, nos. 129–144, & K.W.

Supply of information to the Secretary of State regarding the number of persons against whom action was taken in 1915, under the various Ordinances, and who were returned e. ·igrants or emissaries from the United States and from Japan ; also the number who, at their trials, were proved to have been influenced by seditious centres in each of those countries.

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NOTES.

POLITICAL A.,—SEPTEMBER 1916.

Nos. 129—144 & K.-W.

SUPPLY OF INFORMATION TO THE SECRETARY OF STATE REGARDING THE NUMBER OF PERSONS AGAINST WHOM ACTION WAS TAKEN IN 1915 UNDER THE VARIOUS ORDINANCES, AND WHO WERE RETURNED EMIGRANTS OR EMISSARIES FROM THE UNITED STATES AND FROM JAPAN; ALSO THE NUMBER WHO, AT THEIR TRIALS, WERE PROVED TO HAVE BEEN INFLUENCED BY SEDITIOUS CENTRES IN EACH OF THOSE COUNTRIES.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, DATED THE 17TH MAY 1916. Pro. no. 129.

The information will have to be obtained from local Governments and we may accordingly repeat the Secretary of State's telegram for necessary action. A draft is submitted. The Chief Commissioner, Coorg, is omitted, his previous statement having been blank. Please see also the statement sent to the Secretary of State.

Political A., March 1916, nos. 469—491.

After issue the file may be passed to the Army Department for favour of necessary action with reference to their figures which shewed 16 death sentences under Military Tribunals, 5 sentences of transportation for life, and 428 internments under the Foreigners Ordinance.

A. L.,—20-5-16.

S. R. HIGNELL,—20-5-16.

H. WHEELER,—20-5-16.

TELEGRAM TO ALL LOCAL GOVERNMENTS, EXCEPT THE PUNJAB AND TO ALL ADMINISTRATIONS, EXCEPT COORG, NO. 1684, DATED THE 20TH MAY 1916, AND ENDORSEMENT TO THE GOVERNMENT OF THE PUNJAB, NO. 1685 OF THE SAME DATE. Pro. no. 130.

Army Department,

None of the persons sentenced to death or transportation by Military Tribunals or interned by the military authorities under the Defence of India Act or Foreigners or other Ordinance were proved to be returned emigrants or emissaries from the United States or Japan. The 16 persons sentenced to death and the 5 sentenced to transportation by Military Tribunals were, however, certainly proved to have been influenced, either directly or indirectly, by emissaries and literature emanating from America.

A. J. F.,—12-6-16.

H. B.,—12-6-16.

HOLLAND-PRYOR,—12-6-16.

Secretary.

May be passed to the Home Department.

L. K.,—13-6-16.

G. MARSHALL,—13-6-16.

Home Department.

TELEGRAM FROM THE CHIEF COMMISSIONER, ASSAM, DATED THE 22ND MAY 1916. Pro. no. 131.

LETTER FROM THE CHIEF COMMISSIONER, DELHI, NO. 3604, DATED THE 23RD MAY 1916. Pro. no. 132.

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Pro. no. 133. LETTER FROM THE CHIEF COMMISSIONER, CENTRAL PROVINCES, NO. C.-386, DATED THE 22ND MAY 1916.

Pro. no. 134. TELEGRAM FROM THE GOVERNMENT OF MADRAS, DATED THE 24TH MAY 1916.

Pro. no. 135. TELEGRAM FROM THE GOVERNMENT OF BOMBAY, NO. 3653-W., DATED THE 25TH MAY 1916.

Pro. No. 136. TELEGRAM FROM THE GOVERNMENT OF BIHAR AND ORISSA, DATED THE 26TH MAY 1916.

Pro. No. 137. TELEGRAM FROM THE GOVERNMENT OF THE UNITED PROVINCES, NO. 1123, DATED THE 29TH MAY 1916.

Pro. No. 138. TELEGRAM FROM THE CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE, DATED THE 25TH MAY 1916.

Pro. No. 139. TELEGRAM FROM THE GOVERNMENT OF BENGAL, DATED THE 1ST JUNE 1916.

Pro. No. 140. TELEGRAM FROM THE GOVERNMENT OF BURMA, NO. 308-W., DATED THE 12TH JUNE 1916.

For information. The Punjab Government's figures have not yet been received. We may remined as in the draft submitted.

2. The statement* is placed below embodying the figures received from the Army Department, and from local Governments; when the Punjab Government's figures are received a draft telegram to Secretary of State will be submitted.

* See Appendix.

A. L.,—15-6-16.

S. R. HIGNELL,—15-6-16.

Pro. no. 141. LETTER TO THE GOVERNMENT OF THE PUNJAB, NO. 1916, DATED THE 16TH JUNE 1916.

Pro. no. 142. LETTER FROM THE GOVERNMENT OF THE PUNJAB, NO. 2076-6-S.B., DATED 10TH JULY 1916.

The Punjab Government's figures have been entered in the statement placed below. The total figures may be telegraphed to the Secretary of State and the correspondence may be forwarded by post. Two drafts submitted.

2. The figures furnished by Local Governments call for no remarks, except those given in the Note IV to statement A of the Punjab Government's letter dated 10th July 1916. As the Lahore Supplementary Case was not concluded till March 1916, and the Secretary of State was furnished originally with figures for the year ending 31st December 1915, the figures in Note IV have been omitted.

A. L.,—19-7-16.

The drafts may issue.

W. BOOTH-GRAVELY,—19-7-16.

S. R. HIGNELL,—21-7-16.

R. H. C[RADDOCK],—21-7-16.

Pro. no. 143. TELEGRAM FROM HIS MAJESTY'S SECRETARY OF STATE, DATED THE 17TH AUGUST 1916.

Hon'ble Member after approving the drafts above gave me verbal instructions for their improvement. I have now incorporated in the draft telegram the additional information contained in the original statement and correspondence, and it may issue as redrafted.

No Secretary's letter is now required as it would only forward the correspondence with the local Governments, the results of which are incorporated in the telegram.

S. R. HIGNELL,—9-9-16.

Pro. no. 144. TELEGRAM TO HIS MAJESTY'S SECRETARY OF STATE, DATED 10TH SEPTEMBER 1916.

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APPENDIX.

Province.	Number of persons who are returned emigrants or emissaries from		Number who, at their trials, were proved to have been influenced by seditious centres, in		Remarks.
	United States of America.	Japan.	United States of America.	Japan.	
Madras	1				
Bombay					
Bengal	11				
United Provinces	1				
Punjab	651	11	62	1	
Burma	21				
Bihar and Orissa ..	1				
Central Provinces					
Assam		1			
North-West Frontier Province.					
Delhi					
Under orders of Government of India.					
Military authorities			21*		
Total ..	686	12	83	1	

*None of the persons sentenced to death or transportation by the Military Tribunals or interned by the military authorities were proved to be returned emigrants or emissaries from the United States or Japan, but 16 persons sentenced to death and 5 to transportation were proved to be influenced, directly or indirectly, by emissarries and literature emanating from America.

NATIONAL ARCHIVES OF INDIA

PROCEEDINGS OF THE

HOME DEPARTMENT, SEPTEMBER 1916.

Supply of information to the Secretary of State *re* persons against whom action taken under the various Ordinances. [Pro. no. 129-30

SUPPLY OF INFORMATION TO THE SECRETARY OF STATE REGARDING THE NUMBER OF PERSONS AGAINST WHOM ACTION WAS TAKEN IN 1915 UNDER THE VARIOUS ORDINANCES, AND WHO WERE RETURNED EMIGRANTS OR EMISSARIES FROM THE UNITED STATES AND FROM JAPAN; ALSO THE NUMBER WHO, AT THEIR TRIALS, WERE PROVED TO HAVE BEEN INFLUENCED BY SEDITIOUS CENTRES IN EACH OF THOSE COUNTRIES.

Pro. no. 129.

Telegram P., dated London, the 17th May 1916.

From—The Secretary of State,

To—His Excellency the Viceroy (Home Department).

Confidential. Please refer to your Home Secretary's letter no. 1080-Political, dated 24th March 1916. An enquiry is made by Foreign Office as to how many of the persons shown in the statement were returned emigrants or emissaries from United States and how many from Japan; also how many, at their trials, were proved to have been influenced by seditious centres in each of those countries. If it is procurable I shall be glad to receive this information.

Political A., March 1916, nos. 469—491.

Pro. no. 130.

Telegram P., no. 1684, dated the 20th May 1916.

From—The Secretary to the Government of India, Home Department.

To—
- The Chief Secretary to the Government of Madras.
- The Secretary to the Government of Bombay, Political Department.
- The Chief Secretary to the Government of Bengal.
- The Chief Secretary to the Government of the United Provinces.
- The Chief Secretary to the Government of Burma.
- The Chief Secretary to the Government of Bihar and Orissa.
- The Hon'ble the Chief Commissioner of the Central Provinces.
- The Hon'ble the Chief Commissioner of Assam.
- The Hon'ble the Chief Commissioner and Agent to the Governor-General, North-West Frontier Province.
- The Chief Commissioner of Delhi.

A reference is invited to your telegram / letter no. 38, dated the 9th January 1916, / 1251-W., dated the 14th February 1916, / 410-P., dated the 8th January 1916, / 47-C., dated the 10th January 1916, / 2-W., dated the 4th January 1916, / 333-C., dated the 3rd March 1916, / 12-XVI., dated the 6th January 1916, / dated the 3rd January 1916, / 29-P., dated the 8th January 1916, / 15-Home, dated the 3rd January 1916, reporting certain figures showing action taken under various Ordinances during 1915. The Secretary of State now telegraphs as follows: *Begins.* An enquiry is made by Foreign Office as to how many of the persons shown in the statement were returned emigrants or emissaries from United States and how many from Japan; also how many, at their trials, were proved to have been influenced by seditious centres in each of those countries. *Ends.* Please supply the information required by the Secretary of State as early as possible.

No. 1685.

Endorsed by the Government of India, Home Department.

A copy is forwarded to the Chief Secretary to the Government of the Punjab, with reference to the correspondence ending with his letter no. 2076-1-S.B., dated the 31st December 1915, for favour of report.

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NATIONAL ARCHIVES OF INDIA

Pro. nos. 131-135] Supply of information to the Secretary of State re persons against whom action taken under the various Ordinances.

Pro. no. 131.

Telegram P., dated the 22nd May 1916.

From—The Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department.

Please refer to your telegram number 1684, dated 21st May 1916. The only person who could fall in category referred to in your telegram is Mrs. Mazumdar from Japan. There is no direct evidence as to whether she is a revolutionary agent. In Assam no trials have taken place.

Pro. no. 132.

No. 3604, dated Delhi, the 23rd May 1916. (Confidential.)

From—W. M. HAILEY, Esq , C.S.I., C I.E., I.C.S., Chief Commissioner, Delhi,

To—The Secretary to the Government of India, Home Department.

In reply to your confidential telegram no. 1684 of 20th May 1916 making certain enquiries regarding the persons mentioned in my confidential letter no. 15-Home, dated January 3rd 1916, I have the honour to say that none of the persons referred to were returned emigrants or emissaries from the United States or Japan, nor were any of them at their trials proved to have been directly influenced by seditious centres located in these countries.

Political A., March 1916, nos 469—491.

Pro. no. 133.

No. C-386, dated Pachmarhi, the 22nd May 1916.

From—The HON'BLE MR. F. S. A. SLOCOCK, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Home Department, Simla.

With reference to your telegram no. 1684, dated the 20th May 1916, I am directed to say that none of the persons shown in the statement forwarded with my letter no. 12, dated the 6th January 1916, were returned emigrants or emissaries from United States or Japan.

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Pro. no. 134.

Telegram P., dated the 24th May 1916.

From—The Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Home Department.

In the Madras Presidency only one returned emigrant has been dealt with. He had been an agricultural student in the United States of America. In this Presidency also no such person underwent regular trial. This is with reference to your telegram no. 1684, dated the 21st instant.

Pro. no. 135.

Telegram No. 3653-W., dated the 25th May 1916.

From—The Secretary to the Government of Bombay, Political Department,

To—The Secretary to the Government of India, Home Department, Simla.

Your telegram 1684, dated 21st May. None of the persons shown in statement are returned emigrants or emissaries from United States or Japan and none known to have been influenced by seditious centres in those countries.

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Supply of information to the Secretary of State *re* persons against whom action taken under the various Ordinances. [Pro. nos. 136-140].

Pro. no. 136.

Telegram dated the 26th May 1916.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

Please refer to your telegram on the subject of the action which was taken under the different Ordinances in 1915. Only one person of those referred to in the statement forwarded by the Government of Bihar and Orissa was a returned emigrant from America. He is not known to have been to Japan. There was no evidence showing that he was connected with the seditious movement in either America or Japan.

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Pro. no. 137.

Telegram P., No. 1123, dated the 29th May 1916.

From—The Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

S. M. Basu is the only one mentioned in my telegram No. 47-C. of the 10th January last who was influenced by seditious movement abroad, *viz.*, in America. This is with reference to your secret telegram no. 1684 of the 20th instant.

Political A., March 1916, nos. 469—491.

Pro. no. 138.

Telegram P., dated the 25th May 1916.

From—The Chief Commissioner, North-West Frontier Province,

To—The Secretary to the Government of India, Home Department.

Reference your 1684, dated 20th May. No emissaries or emigrants came from the United States or Japan.

Paragraph B. No such trials took place.

Pro. no. 139.

Telegram P., dated the 1st June 1916.

From—The Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

Please refer to your telegram dated the 20th ultimo :—

(1) Persons dealt with under the Defence of India Rules. None fall within the categories mentioned.

(2) Persons dealt with under the Ingress into India Ordinance. Total number of persons is 95, of whom 38 including five Bengalis were in jail at the end of 1915, the other having been sent under escort to other provinces. Information available shows that 10 of the total number came from America and also one of the Bengalis. It is not definitely known what the original starting places were. It appears that they came from the Far East. None of the Bengalis who were dealt with under the Ingress into India Ordinance were put on trial in India.

Pro. no. 140.

Telegram P., No. 308-W., dated Maymyo the 12th June 1916.

From—The Chief Secretary to the Government of Burma,

To—The Secretary to the Government of India, Home Department.

With reference to your telegram no. 1684, dated the 2nd May last, none of the persons mentioned under the first five heads in my telegram of the 4th January

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NATIONAL ARCHIVES OF INDIA

last came either from America or Japan. It is not possible to supply particulars as to the number of Indians who have been confined in jail or whose movements have been otherwise restricted under the Ordinance as required by the 6th and 7th heads. Of the 151 Indians who fall under the 6th head 21 are known to have come from the United States of America and 13 from Canada. In 1911 one of the former returned to India from the United States and spent the intervening period in India and Burma before he was arrested here. Of the latter 10 are known to have travelled from Canada to Burma by way of the United States. None came from Japan. As regards the number who were proved at their trials to have been influenced in seditious centres in the United States of America or Japan there are at present none as only 4 have been placed on their trial: and are all concerned in the Pyawbway conspiracy trial which is at present proceeding. Out of 8 Indians who come under the seventh head the number falling under the Secretary of State's category is "nil."

Pro. no. 141.

No. 1916, dated Simla, the 16th June 1916.

From—The Secretary to the Government of India, Home Department, Simla,

To—The Chief Secretary to the Government of the Punjab.

I am directed to invite a reference to this Department endorsement no. 1685, dated the 20th May 1915, and to request that, with the permission of His Honour the Lieutenant-Governor, the Government of India may be favoured with a very early reply.

Pro. no. 142.

No. 2076-6-S.B, dated Simla, the 10th July 1916.

From—L. FRENCH, Esq., C.I.E., I.C.S., Officiating Additional Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department, Simla.

I am directed to refer to the Government of India's (Home Department), endorsement no. 1685, dated the 20th May 1916, asking for certain details in connection with returned emigrants from the United States and Japan who have been dealt with under the various War Ordinances or have figured in political trials. In reply I am to forward for the information of the Government of India two schedules which contain the required information. I am further to draw the attention of the Government of India to the remarks on the question under discussion by the Special Commissioners, appointed to try the Lahore Supplementary Conspiracy Case, contained in pages 19—23 of their judgment, a copy of which is enclosed.*

*See K.-W.

STATEMENT A.

Number of "returned emigrants" proved at their trials to have been influenced by seditious preachings in America or Japan.

Column I.			Column II.			Column III.		
Total number of returned emigrants convicted in political cases up to 31st December 1915.			Influenced by seditious preaching in America.			Influenced by seditious preaching in Japan.		
Total 96	Capital sentence	20	Total 62	Capital sentence	19	Total 1	Capital sentence	
	Transportation	32		Transportation	26		Transportation	1
	Imprisonment	44		Imprisonment	17		Imprisonment	

NOTE I.—Of the total number 27 shown as having been setenced to death in schedules A and B forwarded with this Government's previous letter, 7 were not "returned emigrants" and of the toal 35 shown as having been sentenced to transportation 3 were not "returned emigrants."

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Supply of information to the Secretary of State *re* persons against whom action taken under the various Ordinances. [Pro. nos. 143-144.

NOTE II.—The difference between the combined total of Columns II and III and that of Column I—33—represents the number of "returned emigrants" from the Federated Malay States and the China Ports.

NOTE III.—Figures of imprisonment were not given in the schedule forwarded with this Government's letter No. 2076-1-S.B., dated the 31st December 1915, as they were not at that time required. They have now however been added for the information of the Government of India.

NOTE IV.—In addition to these figures 26 "returned emigrants" were convicted in the Lahore Supplementary Conspiracy case which began in 1915 and was decided in March 1916. Out of these 26, 10 had been influenced by seditious preaching in America and the remainder had become disaffected in the Federated Malay States, Shanghai, Hong Kong or elsewhere.

STATEMENT B.

Number of persons dealt with under Rule 3 of the Defence of India Rules up to 31st December 1915.		*Number of persons who have been dealt with under the Ingress into India Ordinance up to 31st December 1915.*			
		RESTRICTED.		INTERNED.	
Total No. 97 of which returned from America.	Total No. 97 of which returned from Japan.	Total No. 1,741, of which returned from America.	Total No. 1,741, of which returned from Japan.	Total No. 236 of which returned from America.	Total No. 236, of which returned from Japan.
11		407	10	171	

NOTE.—The original point of departure has been taken in practically every case — that is to say that emigrants who are known to have begun their journey from America are shown as "America returned" although in all cases they travelled *viâ* Japan and occasionally stayed considerable periods in that country. In some cases, however, emigrants have been registered as having returned from the China ports, who had as a matter of fact in the first instance come from America, but had broken their journey on the way.

Telegram P., dated London, the 17th August 1916. Pro. no. 143.

From—The Secretary of State,

To—His Excellency the Viceroy (Home Department).

Secret. Seditionist trials. Do you expect to be able to ascertain particulars which have been asked for by the Foreign Office.

This is with reference to my telegram of May 17th.

Telegram P., No. 910, dated the 10th September 1916. Pro. no. 144.

From—His Excellency the Viceroy (Home Department),

To—The Secretary of State.

Figures of returned emigrants, etc., during 1915. Returned emigrants or emissaries from United States 686; from Japan 12. The number who at their trials proved to have been directly or indirectly influenced by seditious centres in United States is 83 and in Japan 1. In addition, of 26 persons convicted in the Lahore Supplementary Conspiracy case which was decided in March 1916, 10 were influenced by seditious preaching in America. Reference is invited in this connection to pages 19 to 23 of the judgment in that case.

This is with reference to correspondence ending with your telegram dated 17th August.

Exd. by—E.A.

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and says that it was there decided to raid Sarhali for arms. He relates how the enterprise failed, and how messengers went in to bring out the 23rd Cavalry.

The accused does not exculpate himself, and the confession is fully available against all accused.

(*g*) *Confession of Labh Singh* (49).—This confession was recorded by Sardar Autar Singh on the 24th of September 1915. (*g*) Labh Singh (49).

He states briefly that he was told by Suja Singh that he and others intended to loot Sarhali or Tarn Taran thanas, and he, accused, with Suja Singh and others, left Waltoha together, and, meeting Surain Singh on the way, learnt from him Sarhali thana was to be attacked next day. The party went to the Jhar Sahib, then to the Khairon mound, and then marched on Sarhali. At this stage, he says, he tried to get away, but was threatened by Lal Singh; and so went on until the enterprise ended in a fiasco.

The accused has made no effort to exculpate himself until the party started from Khairon. Up to then, according to his own statement, he was fully cognizant of what was in the air and acting without duress. His confession is available against all accused, at any rate up to that point, but as it does tend to mininize his later participation we will not lay any great stress on it as against other accused.

(*h*) *Confession of Mahindar Singh* (53).—This statement was recorded on an unrecorded date by Lala Munshi Ram, Magistrate. (*h*) Mahindar Singh (53).

The statement is very inculpatory of certain accused, but entirely exculpatory of accused's own guilt, and is, therefore, not available against the accused mentioned by him.

(*i*) *Confession of Pakhar Singh* (62).—This statement was recorded by Lala Munshi Ram, Magistrate, Ludhiana, on the 12th September 1915. (*i*) Pakhar Singh (62).

He relates how he was introduced to the *Ghadr* in Canada; and heard lectures by Bhagwan Singh, inciting people to return to India to expel the British.

He refers to the *Komagata Maru* reaching Vancouver, and states he returned to India to expel the British. He relates how, notwithstanding restriction orders, he got into touch with other accused; how frequent meetings for revolutionary purposes took place; how a meeting was held at the Chuhar Chak culvert (2nd June), at which the Kapurthala raid was determined on. He was unable to go to Kapurthala, as arranged, owing to illness, and failed also to attend the second gathering on the 12th. He gives an account of his association with some of the Walla Bridge murderers.

There is no attempt by the accused to exculpate himself in respect of any of the actions he stated he participated in, and which have been charged against him.

The confession is therefore available against all implicated.

(*j*) *Confession of Pala Singh* (64).—This accused's statement was recorded on 13th September 1915 by Lala Munshi Ram, Magistrate, Ludhiana. (*j*) Pala Singh (64).

This accused was a sepoy in the 36th Punjabis; and states he was home on leave in May and June, when he was persuaded to join in the Kapurthala raid. He was present at the culvert meeting on 2nd June, but did not overhear all that was said. He however went to Kapurthala for the 12th, but, meeting no revolutionists there, returned home.

The part played by this accused is admittedly small; it is his position as a sepoy that makes his participation serious; but the accused does not attempt to minimize the part actually played.

The confession is available against all accused.

NATIONAL ARCHIVES OF INDIA

(k) Sham Singh (80).

(*k*) *The confession of Sham Singh* (80).—This confession was recorded by M. Sher Muhammad Khan, Magistrate, Moga, on the 1st of October 1915.

He is a resident of Dhudike, and states that several returned emigrants met and consulted together there, though he himself never participated in any gathering.

He relates how he was asked to get news of an absconding accused, and gives an account of a meeting of revolutionists, the story of which he was told by another accused. He was asked to join the revolutionists, and said he would if he could; but he never had anything more to do with the movement, as he had no mind to join. He adds only that he lent Rs. 60 to Sajjan Singh, the father of one of the accused, to help him to get away.

There is nothing is this statement which implicates the man making it in any offence other than that under section 123, Indian Penal Code. He knew of revolutionists being about, but he does not say he ever actually joined in their designs. The confession is valueless against other accused.

(l). Sultan Shah (84).

(*l*). *The confession of Sultan Shah* (*accused* 84).—This man's confession was recorded by Sardar Autar Singh, Magistrate, 1st Class, Amritsar, on the 20th of September 1915.

He states that he went to the Khairon mound, with others, in a state of intoxication, taking a sword with him. At Khairon there was a large mob, which decided to attack Sarhali, and a march in that direction was made, an enterprise which failed.

The accused states that at Khairon, when it was decided to attack Sarhali, two men said that anyone who turned back would be killed, but he does not say this affected him.

The only exculpatory matter is the allegation that he went in an intoxicated condition to Khairon mound; but intoxication, voluntarily caused, is no exculpation of a crime. The confession, therefore, through it offers an excuse, is not exculpatory, and is of avail against all accused, though here again, as it tends to minimize accused's guilty participation, we will not lay great stress on it as against others.

(m) Sundar Singh (85).

(*m*) *The confession of Sundar Singh* (*accused* 85).—This confession was recorded by Diwan Som Nath, Magistrate, Amritsar, on the 17th of September 1915.

It is a particularly full statemment; but throughout it is exculpatory of accused himself; and the Government Advocate does not ask us to use it against any accused.

It is therefore not available against other accused.

(n) Teja Singh, (90).

(*n*) *The confession of Teja Singh* (*accused* 90).—This accused stated that he heard of the *ghadr* movement in Shanghai, and his own fare to India was paid by revolutionists, returning to fight the British. He denied that this was his own intention in returning. He heard others talking sedition on board, and he was induced then to throw in his lot with the revolutionists. On arrival in India, he was in frequent contact with other revolutionaries, was at the Khasa meeting, and went to the Jhar Sahib, knowing it was intended to raid thanas to get arms, and intending to join therein, was at Khairon mound and started with the other marauders to attack Sarhali.

The only mitigation of his conduct he asserts is occasional intoxication, which is of course no exculpation.

The statement is available against all accused, but, as in the case of 84's confession, we do not propose to lay great stress on it against other accused.

(o) Thakur Singh (93).

(*o*) *The confession of Thakur Singh* (*accused* 93).—This confession was recorded by Sardar Autar Singh on the 17th of September 1915.

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This witness states he had his fare paid from Hong Kong by some of the leading revolutionists, and that on board his ship there were constant seditious speeches and readings from the "*Ghadr*."

On arrival in India he placed himself at the disposal of Gujar Singh (18). and went to Jhar Sahib when called; was present at Khairon Theh, where the Sarhali raid was determined on and an array of force made.

He has not attempted to exculpate himself and his statement is clearly available against all accused.

We have so far dealt with the confessional statements from the point of view as to whether they are exculpatory or inculpatory only.

We have now to consider them from another point of view, *viz.*, the time at which they were made. It has been urged in respect to some of them that they were made a considerable time after arrest; and various unsupported allegations against the Police have been made. Time of making confessions.

We will take first of all the Jhar Sahib group of confessions, *i.e.*, those of accused 5, 14, 15, 35, 24, 45, 49, 84, 85, 90, 93.

When we compare the dates of the arrests of these men with the dates on which the confessions were recorded by the Magistrates, bearing in mind that a Magistrate can, after all, only record one confession at a time, and that it takes some time to take a person under arrest from his village to the *Sadr*, we will see that there has been no undue delay or long interval.

Name of accused.	Date of arrest.	Dates of confessional statements.	Recorded by
Kesar Singh (45)	14th September 1915 ...	15th September 1915 ...	Diwan Som Nath.
Sundar Singh (85) ...	12th September 1915 ...	17th September 1915 ...	Do.
Bogh Singh (5)	16th September 1915 ...	18th September 1915 ...	Do.
Ganda Singh (14)	19th September 1915 ...	19th September 1915 ...	Do.
Jassa Singh (35)	15th September 1915 ...	20th September 1915 ...	Do.
Teja Singh (90) ...	12th September 1915 ...	20th September 1915 ...	Do.
Harnam Singh (24) ...	3rd October 1915 ...	3rd October 1915 ...	Do.
Thakur Singh (93) ...	13th September 1915 ...	17th September 1915 ...	Sardar Autar Singh.
Labh Singh (49) ...	16th September 1915 ...	24th September 1915 ...	Ditto ditto.
Sultan Shah (84)	12 h September 1915 ...	20th September 1915 ...	Ditto ditto.
Gan la Singh (15)	6th October 1915 ...	10th October 1915 ...	Chaudhri Ghulam Mustafa.

It is clear from this statement that some confessions were recorded on the day of arrest; others as the Magistrates had time; and the longest period between arrest and confession is 8 days; and we have it in evidence (P. 378) that in regard to two of the 3 men who did not confess in less than 8 days, they were for a considerable portion of the 8 days actually in jail.

We confess we can see nothing suspicious in any delay in regard to the Jhar Sahib confessing accused.

On the contrary, we are satisfied that the accused who fully implicated themselves were only too anxious to outbid each other in the desire to be approvers.

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In regard to the other accused who have confessed we find they were arrested, and confessed on the dates given below :—

Name.	Date of arrest.	Date of confession.
Sham Singh (80)	30th September 1915 ...	1st October 1915.
Mahindar Singh (53)	18th June 1915	1st October 1915.
Pakhar Singh (62) ...	18th June 1915 ...	12th September 1915.
Pala Singh (64) ...	13th August 1915	13th September 1915.

Now there is no doubt that in the last 3 cases there has been, at first sight, considerable delay.

In regard to accused 53, as we have held his statement to be exculpatory, and not available against the other accused, it is of little importance as to why he eventually did make a confession ; but that the police had little to do with it, is apparent from the fact that he was interned on the date of his arrest.

In regard to the confession of accused 62, the date 18th June 1915 is the date of the accused's internment under the Ordinance. In appears his name was mentioned on investigation, and Sub-Inspector of Police Fazal Imam received orders to enquire from him while in jail. These orders were received on 30th August 1915 ; the accused was taken by the Police from Pindi Jail on 9th September, his information tested on the 11th by the production of a *chhavi* at Dhudike, and his judicial confession was recorded on 12th September 1915. He was, thus, in Police custody only 3 days and the suggestion of inducement at once disappears in the light of the facts.

In regard to accused 64 the date 13th August 1915 is also the date of internment. He was actually arrested in this case on 4th September 1915 and questioned. Certain information he gave was checked, and his judicial confession was recorded on 13th September 1915, and we see here again there is no ground for the suggestion of undue police influence.

Legal contentions.

We have now to note certain legal contentions in regard to these confessional statements.

Is has been urged that where a confession of an accused person is recorded in the absence of his co-accused, it is inadmissible under section 30, Indian Evidence Act, against the latter, and that, at any rate, it should be proved otherwise than by the Magistrate's certificate at the close of it, to enable a co-accused to cross-examine the Magistrate in regard to it. Mr. Bhatia cited 10 Cal. 970 in support of his view. In this ruling the learned Judges made the following obervation :—

> "In the case now before us we would further point out that the fact, that the statements made by Pepin and Kunju before the Magistrate were made in the absence of the other prisoners, whom it is intended to implicate thereby, should alone have induced the Sessions Judge to caution the Jury against attaching any weight to them at all, except against those who made them."

This seems to us to be more a rule of practice than a proposition of law.

We have, however, the authority of the Bombay High Court 6 B. 124, where it is laid down that in order to render a confession of an accused admissible under section 30 of the Indian Evidence Act against a co-accused, it is not necessary that it should be recorded in the presence of the latter ; all that is required is to prove it. The confessions in the present case bear the requisite certificates by the Magistrates who recorded them ; and, being public documents, as records of judicial acts under section 74 of the Evidence Act, no formal proof is required. Of the Magistrates, who recorded them, only Diwan Som Nath was called for the defence, whose evidence is not at all favourable to the accused.

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It is also contended, in respect of the manner in which the confessions were recorded, that most of them are punctuated by questions by the Magistrate, intended to elicit information *re* other conspirators.

The fact seems to be that the Magistrate recorded a number of confessions about the same time; and the facts stated by some of accused in their confessions were in his mind when he recorded the confessions of others; that was the reason why he put certain questions here and there. It would have been proper for him not to have put any questions at all; but it is not correct to say that his object was to secure any information regarding persons, other than the accused making the confession.

Waging war.

8.—Waging of War.

We have reserved the discussion of this matter, until we have given the history of the conspiracy and war.

9.—Approver's testimony.

Approvers' Testimony.

A.—We have in this case the following approvers, who were approvers in the first case (L. C. C.) :—

(1) Narain Singh, P. W. 315.

(2) Ichhra Singh, P. W. 317 (perhaps technically not an approver but practically so).

(3) Udham Singh, P. W. 326.

(4) Jawala Singh, P. W. 327.

(5) Mula Singh, P. W. 329.

(6) Amar Singh (Rajput), P. W. 339.

(7) Sucha Singh, P. W. 355.

(8) Nawab Khan, P. W. 352.

(9) Umrao Singh, P. W. 357.

Some facts necessary in the first case, but unnecessary in this case have not been elicited, while some necessary particulars in the shape of identification, &c., of the present accused, of course absent in the first case, are elicited in the present case. Barring this, their stories are in the main the same. They are not seriously contested by the defence. Efforts have been made in cross-examination, chiefly to shake or weaken their testimony in regard to particular accused persons.

B.—The following are fresh approvers in the present case :—

(1) Sundar Singh, W. G., P. W. 13.

(2) Natha Singh, P. W. 14.

(3) Kala Singh, P. W. 16.

(4) Mul Singh, P. W. 17.

(5) Ganda Singh, P. W. 18.

(6) Puran Singh, P. W. 19.

(7) Wasawa Singh, P. W. 20.

(8) Balwant Singh, P. W. 22.

(9) Sundar Singh (A. M.), P. W. 26.

(10) Bhagat Singh, P. W. 30.

(11) Bachan Singh, P. W. 31.

(12) Udham Singh of Hans, P. W. 32 (was a witness in L. C. C.)

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(13) Arjan Singh, P. W. 33.

(14) Nand Singh, P. W. 100.

(15) Amar Singh, P. W. 102.

(16) Anokh Singh, P. W. 103.

(17) Teja Singh, P. W. 231.

In the group B (4), (5). (6), (7) and (8) were witnesses in the Court Martial of the 23rd Cavalry. Except (17) to whom this court tendered a pardon, the magisterial statements of the other 16 approvers were recorded before they were examined before us.

The 16 new approvers may be divided for convenience into three groups :—

A.—The Manjha group composed of :—

Sundar Singh (W. G.), P. W. 13.

Natha Singh, *Mahant*, P. W. 14.

Kala Singh, P. W. 16.

B.—The Malwa group including Doaba :—

Sundar Singh (A. M.), P. W. 26.

Bhagat Singh, P. W. 30.

Bachan Singh, P. W. 31.

Udham Singh, P. W. 32.

Arjan Singh, P. W. 33.

Nand Singh, P. W. 100.

Amar Singh, P. W. 102 (Doaba).

Anokh Singh, P. W. 103.

C.—The 23rd Cavalry :—

Mul Singh, P. W. 17.

Ganda Singh, P. W. 18.

Puran Singh, P. W. 19.

Wasawa Singh, P. W. 20.

Balwant Singh, P. W. 22.

D.—The 26th Punjabis :—

Teja Singh.

Anokh Singh.

The history portion of this judgment and the treatment of individual cases will show what these approvers testify to.

Group A.—This is the only group which requires any comment.

The 23rd Cavalry was transferred from Lahore to Nowgong. On the way, at Harpalpore Station, bombs exploded in a wooden box belonging to Wasawa Singh, which contained Puran Singh Lance-Daffadar's luggage. Both of them were arrested, and sent to Jutogh. Balwant Singh was also sent for and enquiry commenced. About the 15th May Puran Singh began to disclose some information. Balwant Singh was examined on the 28th May and Wasawa Singh examined on the 31st May. Ganda Singh, a sowar, was examined on the 20th June, an examination which laid bare the object of Jhar Sahib gatherings. The information thus collected showed that three men had visited the lines, afterwards identified to be Lal Singh of Bhure, L. C. C., Natha Singh and Sundar Singh (W. G.), approvers. Natha Singh gave a clue

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to the pocket-book in which were noted the names of men at the Khairon mound, which was recovered soon after. Sunder Singh (W. G.) was arrested on the 16th July ; was examined first by Dhanpat Rai, P. W. 130, on the 18th and again by Harkishen Singh on the 28th July. He made a very long statement. We have examined the earlier of the two statements in the interests of the accused. When Lala Dhanpat Rai recorded the confession of Sunder Singh (W. G.), he did not know of the arrest or the statement of Natha Singh, approver.

Natha Singh approver's statement was recorded by Ijaz Husain, P. W. 190. He was brought to Lahore on 13th July on the order of the Superintendent of Police, Lahore. He was identified by Sadhu Singh on the 14th July. His statement was recorded on the 15th by the witness. Witness went to Sur Singh on the 16th July, when P. 122, P. 18 C., and P. 18 B., were recovered, and P. I., the pocket-book, was recovered on the 17th July. He was brought back to Lahore, where he said he had other arms, was taken back to Sur Singh, where he recovered P. 18 A., sword and P. 19 *chhavi-head.*

Group B } The circumstances under which the statements of these
Group C } approvers were made will be sufficiently clear in the history part.

With regard to the value to be attached to the testimony of the approvers, we have nothing to add to what we said in the Lahore Conspiracy Case. Indeed, the defence counsel have not seriously contested our exposition of the law on the subject. The following table will show the dates of the arrests of the new approvers and of their statements :—

Name.	Date of arrests.	Date of statement.	Place.
Amar Singh	5th October 1915	12th October 1915	Amritsar.
Anokh Singh	15th September 1915 ...	14th October 1915	Ambala.
Arjan Singh	18th June 1915	13th October 1915	Ferozepore.
Bachan Singh	5th August 1915 ...	16th October 1915	Lahore.
Bhagat Singh ...	17th June 1915	13th October 1915 ...	Ludhiana.
Kala Singh ...	14th September 1915	11th October 1915 ...	Amritsar.
Nand Singh ...	18th June 1915	13th October 1915 ...	Ditto.
Natha Singh ...	13th July 1915	11th October 1915 ...	Ditto.
Sunder Singh, A. M. ...	12th March 1915	14th September 1915 ...	Jullundur.
Sunder Singh, W. G. ...	17th June 1915 ...	11th October 1915 ...	Lahore.
Udham Singh	7th July 1915 ...	14th October 1915	Ditto.

The above table leaves no room for doubt that the approvers could not possibly have been tutored by anybody. The approvers were kept apart from each other ; they had no means of communication *inter se*, nor any opportunities for mutual exchange of their respective versions of facts. Far from the police manufacturing evidence to fit in with their stories, the approvers' statements led to the discovery of much material evidence. We are not oblivious of the fact that, since the disclosures made by the approvers in the first case, many facts have become common property ; but in the present case there are fresh disclosures made by the approvers. In the history part of this case we will show how much new light has been thrown by the statements of these new approvers on the Ghadr movement. In fact, many obscure parts in the working of the conspirators have been now illumined by additional facts testified to by them, which have established an inter-connection between incidents that seemed to stand isolated in the former case.

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The stories told by the new approvers are, in our estimation, true in the main. It is only where identification by any one of them has been imperfect or indefinite, or where we have suspected that an individual accused has been implicated by an approver for personal motives, or where the defence evidence, produced by a particular accused, has rendered an approver's statement doubtful that we have preferred to take the safe course of giving the benefit of doubt to the accused.

In the appraisement of the approvers' testimony, we will follow the well established rule, which we adopted in the former case, namely, that we will not convict any person on the approvers' testimony alone without corroboration, (which is, of course, of varied character in each case), unless the story of an approver has been found to be so inherently probable as to carry conviction without corroboration.

We will now turn to certain pieces of documentary evidence, which are referred to by way of corroboration of approvers' statements.

10.—Documents.

Documents.

In the section dealing with the corroboration of approvers' statements by documentary evidence and in other parts of the judgment in L. C. C., we discussed almost all material exhibits produced in that case. Some of the documents then produced are again produced in the present case. We need not discuss them again. For facility of reference we need only give below the corresponding numbers with which they were marked in the former case:—

In the present case.	*In the former case.*
Ghadr Sandesa, P. 27 ...	P. 23 and P. 104.
Ghadr-di-Gunj, given to Bhagat Singh, approver, P. W. 30 by Harnam Singh, P. 45.	P. 6.
File of the Ghadr newspaper, P. 64	P. 300.
First report of Mansuran dacoity, P. 113	P. 267.
First report of the Rabhon dacoity, P. 125	P. 277.
First report of the Sahnewal dacoity, P. 129	P. 265.
First report of the Jhaner dacoity, P. 139 ...	P. 291.
Ghadr Sandesa discovered by Sucha Singh, approver, P. 156 D.	P. 244.
Bomb recipé and account of bomb chemicals produced by Sucha Singh, approver, P. 157 ...	P. 237.
Translation of memo block found from Nand Singh, L. C. C., P. 150 B. ...	P. 260.
Police report, dated 20th February 1915, *re* explosion of bomb of Puran Singh, L. C. C., in the house of S. Narain Singh, P. 163 ...	P. 228.
Canada da Dukhra found from P. W. 316's house, P. 183	P. 381.
Receipt of rent of house No. I, P. 197 ...	P. 9A.
Scrap of paper found on Anarkali murderer, P. 243. ...	P. 299.
Indar Singh's note book, P. 246	...
Sample of Rash Behari's handwriting, P. 250	P. 188.
Ghadr-di-Gunj found in Gwalmandi house, P. 214 ...	P. 22.
Lithograph page of *Ghadr Sandesa* found in house II, L. C. C., P. 97	P. 226.

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In the present case.	*In the former case.*
2 slips containing some names and other jottings found to be in R. B. Bose's handwriting, P. 227, P. 228 ...	P. 98 A. and P. 98 B.
Ilan-i-Jang, P. 230	P. 28
Scrap of paper containing names in English and Gurmukhi, P. 237	P. 108

The following are some of the new exhibits produced in the present case as corroborative of approvers' statements :—

P. 1	Note of names in the Jhar Sahib.
P. 15 B.	Bhagat Singh's diary.
P. 30	Stray leaves from which entered up.
P. 65	Chanan Singh, P. W. 45's pocket book.
P. 96	Correspondence *re* 29.
P. 172	Letter of Randhir Singh.
P. 177	Report of Jhar Sahib gathering.
P. 206	Hong Kong police *re* 81's pistol.
P. 243	Paper on Anarkali murderer referring to accused 26.
P. 251	Found in duplicator on *Tosha Maru*.
P. 252	Found in 12's box.

Ghadr documents.

P. 17	P. W. 13, copied by Harnam Singh (24) and Sunder Singh, W. G.
P. 45, and 53...	P. W. 30.
P. 27	P. W. 19, and P. W. 22.
P. 54	P. W. 30, page 173, bottom.
P. 57	P. W. 30.
P. 70	Advertisement of Ajit Singh's book, P. W. 48.
P. 80	*Nau-Jawanon utho*, P. W. 71.
P. 106	Ghadr extract in 81's house, P. W. 212.
P. 263	Slip thrown out of the train at Montgomery.
P. 254	Ghadr found at Montgomery.
P. 255	Do. found at Multan.
P. 251, P. 252, P. 253	P. W. 359.

We will take up these *seriatim*.

P. 1.—This is a small pocket book containing note of names of the persons present at the Jhar Sahib. It is not alleged to be exhaustive, we will deal with it when dealing with the Jhar Sahib affair.

P. 15 *B.*, *P.* 30.—Bhagat Singh approver's diary and stray leaves from which it was noted up. Bhagat Singh, approver, to whom this document belongs, was arrested on 17th June 1915, and his full statement recorded on the 13th September 1915 at Ludhiana. He had, previous to this date, made a

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statement to the police, which was recorded by Mr. Donald, one day after his arrest, when he explained to him the obscure passages in the diary, which had been found by the police in a sand-hill.

The approver tells us that he got the diary on the 26th February, and entered up prior events in it from memory. He tells us, that the object of keeping it was to report his doings to accused 69, which he admittedly never did, except when he showed it to him on the 24th April on his visit at Nabha.

It appears that, in noting it up, witness was one day out *re* certain important events, *e. g.* :—

(1) 18th February is noted as the date of the Ferozepore raid, instead of the 19th February.

(2) Entraining at *Phimi-ki-khai* ought to be 20th instead of the 19th.

(3) Date of Doraha bridge affair is wrong by one day.

Counsel have urged various objections to the trustworthiness of the diary. It is true that it is not a regular journal on which much reliance could ordinarily be placed. We do not believe it was a record of events kept for the purpose of reporting to accused (69). It is noteworthy that it was got by the approver on the 26th February, namely, a week after the Ferozepore raid had resulted in a fiasco, and accused 69's activites had to all intents and purposes come to an end by then.

What other object the approver had in maintaining it up to June is not clear, we can only theorize on the subject, which is more or less a fruitless pursuit.

This approver is rather a puzzle. He was, on his own showing, first taken to Delhon by the police on the 22nd April, when he denied his connection with the conspiracy mentioned by Nand Singh (L. C. C). Two days after he went to Nabha to accused (69), when he gave him a warning, and went to Patiala the day following ; thence he proceeded to Meerut to enlist, but, giving up the idea, returned to his village on the 28th April. He was again called by the police a fortnight after, when he began to disclose some information by bits till at length, on the 19th May, he promised to assist the police in the arrest of others. He says he buried his diary on the 29th May ; but he adds he took it out and concealed it again in a sand-hill. He was eventually arrested about a month later, gave a clue to the discovery of chemicals, a dagger, seditious literature and other articles, mentioned in his statement before us.

The above facts incline us to the view that the approver was very likely playing a double game from some stage of the activities, which it is difficult to determine.

We have no reason to doubt, that though a student, he was employed to disaffect and enmesh as many people as he could. He kept up a journal, either in a spirit of bravado or with an ulterior sinister motive to save himself at the cost of others. However inexplicable his behaviour, we have not the least doubt that his diary, whatever its worth, is genuine.

From its clumsiness, its irregularity, unintelligibility of some of its parts and its general appearance, we conclude that it was certainly not concocted by the approver to serve any particular purpose in this case. Since he could at any time efface and enter anything in it he chose, we decline to treat it as a reliable piece of evidence against any particular accused. At best it was intended only to serve as a mnemonic. It is useful, however, as a corroboration of the approver's own movements his meeting some of the accused on particular dates and his story in general. We will take it into consideration only so far and no further.

For a proper understanding of it we subjoin below—

'A' the illegible parts which were not deciphered by the office, and which the approver succeeded in reading in Court.

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'B' parts which even the approver could not make out.

'C.' The key with the aid of which the abbreviations, and the sense of particular words are explained by him.

(*A.*)

Page 165	plan of the Nulla where things were buried.
Page 165	line 13, Gurwa chunga is not in the original.
Page 175	line 31, *for* 11½ effaced *read* namuafiq = failure.
Page 177	line 22, *for* effaced *read* of Mohi village.
Page 177	line 27, *for* effaced *read* K = Canada returned.
Page 177	line 29, *for* illegible *read* Jagraon.
Page 178	line 25, *for* r. m. F. L. *read* D. R. (Daudher).
	line 32, *for* Kartar Singh's house *read* Arjan Singh.
	line 34, *for* effaced *read Kaler jana zaruri hai.*
	line 35, *for* effaced *read* of Runi.
	line 37, *for* effaced *read* Kaler.
Page 179	line 6, *for* illegible *read also.*
	line 28, *for* illegible *read* Punjab Singh.
Page 180	line 9, *for* illegible *read* mother.
	line 23, *for* Sucha Singh Shanghai *read kain mai.*
Page 181	line 40, *for* unintelligble *read Station.*
Page 183	line 26, *for* Do *read* Dhelon.

(*B.*)

The witness could not explain what he meant by :—

D. R. O.,

words after " and said " at p. 88.

D. L.,

P. D. L.,

Illegible words in ink, p. 121,

" About " p. 135,

" Band " p. 135.

(*C.*)

Letters V. B. L. = village Bullowal (witness' village),

A. H. = Ahmadnagar,

N. R. O. = Narangwal village,

D. A. = Doraha,

G. R. = Jagraon,

R. m. = Rumi,

R. m. D. r. a. = Rumi Daudhir.

Illegible words p., 100 = *Gursur jana lazmi hai.*

K. = Canada returned.

About = returned.

D. = Delhon.

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P. 65.—This is a note book in which P. W. 45, in February-March, noted at the instance of P. W. 43, the names of—

Kehr Singh,

78,

33,

Bhola Singh,

23,

Gurdit Singh *Komagata Maru* passenger,

Sardara Singh son of Kawal Singh of Naramwall.

This is not a document of any value.

P. 96.—Note of conversation of (40) to the Jailor, P. W. 143,

Assuming that the accused made it, there is not much in it of any value.

P. 172.—Letter of Randhir Singh, proved by Achhra Singh, and admitted by the accused. It will be discussed in his individual case.

P. 177.—Report of Jhar Sahib gathering will be referred to in the history of the Jhar Sahib affair.

P. 206.—It is a correspondence *re* a pistol found in 81's house. It was stolen from Hong Kong Police Force. It will be mentioned in 81's case.

P. 246.—This is a slip found on the Anarkali murderer mentioning the name of Lachhman Singh and the address of (26).

P. 251.—One copy rubbed off.

P. 252.—A half finished copy of extracts from *Ghadar-di-Gunj* preparatory to printing. P. W. 359 found in Dhan Singh 12's box with the duplicator. Whether it belonged to (12) or not, it is corroborative of the intention of some of the passengers of *Tosha Maru*.

P. 17.—A copy of stanzas of *Ghadr-di-Gunj* copied partly by Harnam Singh 24, and partly by Sunder Singh (W G.) P. W. 13 (part marked *red* by the former and part marked *blue* by Harnam Singh). This was written on the voyage between Shanghai and Singapore. Sunder Singh (85) had the *Ghadr-di-Gunj* from which the stanzas were copied. It is a piece of corroboration of P. W. 13, Sunder Singh W G.'s statement.

P. 45.—It is a copy of *Ghadr-di-Gunj* given to P. W. 30 by Harnam Singh (23).

P. 50.—3 papers, seditious, given to him by Arjan Singh (2).

Bhagat Singh.

P. 53.—*Ghadr-di-Gunj*.

P. 54.—"Sachi pukar" given by Kapur Singh which he had got from Arjan Singh (2).

The contents of these need not be described here, suffice to say they are seditious and inflammatory.

P. 70.—Is an advertisement of Ajit Singh and Sufi Amba Parshad's seditious works, published by the Bharat Mata Book Agency, issued as a supplement of the *Rajput Gazette*, discovered on 22nd June, in the room of the house in which 69 lived,—*vide* P. W. 48. This is a corroboration of the accused's seditious tendencies.

P. 80 *found in* 65's *box*. It is an appeal written in 1913 to young Hindus by Swami Drashna Nand to gird up their loins to establish a Vedak College in order to inculcate national ideals suggesting the exercise of economy as a means to find money for it. The author seems to hail from some province outside the Punjab, as he refers in complimentary terms to the efforts of the Punjabis in establishing a national Vedic College, and the Sikhs in establishing their own Schools.

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The success of foreign missions in converting lakhs of Indians to Christianity (who, it is said, thereby become enslaved or denationalized), and the sale of foreign goods are the two subjects dealt with.

It is a verbose exhortation to Hindus to adhere to their ancient ideals, and to shun foreign dress and foreign ideals, and to strenuously combat missionary efforts to convert the people to Christianity. There is, however, nothing in it by way of direct incitement to overthrow the British Government, though at places the language employed is immoderate.

On the contrary, we notice one passage which is the opposite to sedition.

"You are young and in favourable circumstances. A good treasure like education is in your hands, and a free Government like the English Government is holding you under its protection."

The possession of a brochure like this which preaches Swadeshism, and which inculcates ancient Hindu ideals, is not necessarily indicative of seditious tendencies.

P. 106 *N.*—*Ghadr* extracts found in 81's house (P. W. 212), corroborative of returned emigrants carrying seditious literature and bringing it into India. It will be mentioned in 81's case.

P. 253.—Extracts from the *Ghadr*.

When *Tosha Maru* passengers reached Montgomery, some passengers threw this on to the rails, where it was picked up.

P. 254.—*The Ghadr.*—Was found in one of the carriages at Montgomery in which *Tosha Maru* passengers had come (P. W. 359).

P. 255.—*Ghadr-di-Gunj.*—Was found at Multan in a carriage, which carried *Tosha Maru* passengers (P. W 359).

They show that the *Tosha Maru* passengers had the *Ghadr*, or extracts from it, in their possession, when they landed in India.

We may now turn to the history of the conspiracy and war.

PART III.—The History of the Conspiracy and War.

INTRODUCTORY.

In tracing the history of the conspiracy and war, for connection with which the prisoners at the bar are charged, we do not desire to repeat unnecessarily that which we have already discussed in our judgment in the First Lahore Conspiracy Case.

We propose, therefore, in regard to evidence which has been produced in the former case and in this, to indicate in our present judgment very briefly what that evidence is; and confine ourselves to a discussion of the new evidence, which throws new light on the origin, nature and development of the *Ghadr* movement.

We also propose as far as possible to preserve the same arrangement of sections.

A.—THE REVOLUTIONISTS IN AMERICA AND THE FAR EAST.

1.—THE BEGINNINGS OF THE CONSPIRACY AND WAR.

In America.

In our judgment in the first Conspiracy Case we traced in detail how the seditious movement originated on the Pacific Coast through the machinations of one Hardial; and how, through the influence of the *Ghadr* newspaper, and an organized series of seditious meetings, revolutionary societies were formed in the States.

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We also showed that, when the war in Europe broke out, a number of disaffected people were collected from various settlements, and brought down to San Francisco to sail on the s.s. *Korea*, with the express object of waging war against the Government in India and of expelling the British, using murder, dacoity, seduction of troops and other similar measures to achieve their objects.

The evidence that we had in that case has been repeated before us in this, and on that evidence the conclusions we then arrived at we arrive at now; but we have further evidence in this case, which shows that the widespread organization of mutiny was wider than we knew of then.

Not only is it in America that the ramifications of Hardial's propaganda are to be traced; but the effects of his teachings are to be found in Shanghai, Hong Kong, Penang and Bangkok; and, very probably, other places could tell a similar story.

In Shanghai.

One of the principal places where agitation was fostered was Shanghai; in regard to which we had some indication in the first Conspiracy Case.

In our judgment in that case, in the section relating to preparations for the migration, we referred to the evidence of Jawala Singh as to what was done there; and recorded our opinion as to Gurdit Singh's objects in chartering the *Komagata Maru* to go to Canada.

The impression then formed is fully warranted by the more complete evidence we now have as to what occurred in Shanghai.

Sunder Singh (W. G.) (p. 72) informs us that there were at the end of December 1913, and thereafter, weekly meetings at the *Gurdwara*. *Ghadr* pamphlets were received and freely distributed by the *Granthis*, who, however, ceased doing so when warned by the police authorities.

Collections were, we are told, made by Gujar Singh (18), and 100 dollars remitted to Hardial; who thenceforth sent the paper through a Japanese firm.

Towards the end of February 1914, handbills were received in Shanghai and distributed, announcing that Gurdit Singh had chartered a vessel to take Indians to Canada; asserting that he had obtained permission from the Viceroy to do this, and saying that those who sailed on his ship would obtain ingress to Canada.

The *Komagatu Maru* arrived at Shanghai from Hong Kong on the 7th March with 200 Sikhs on board; and Gurdit Singh and his companions held a meeting in the *Gurdwara*, where Bhan Singh gave a speech, repeating the assertions contained in the handbills, and calling on Indians there to embark. Gurdit Singh addressed them to the same effect. These assertions must have been known to Gurdit Singh and Bhan Singh at the time to be untrue; and the object Gurdit Singh had in view is clearly indicated by his announcement, at that meeting, that, if the Canadian Government refused permission to land, they would return to India and put an end to British rule there.

In addition to preparing the ground for an allegation of breach of faith on the part of the Indian Government, Gurdit Singh proceeded to involve would-be emigrants by exacting from them a sum of £ 20 a head for their voyage; and raised subscriptions, ostensibly to pay the expenses of those who would swear they were unable to find the full passage-money.

The *Komagatu Maru* left Shanghai on the 14th or 15th March 1914; and after its departure a wire was received for more money, a demand which caused a split in the *Gurdwara*, those supporting the demand being, according to witness, headed by Gujar Singh (18).

On arrival of the vessel in Canada, witness states that Gujar Singh (18) continued to receive letters from Gurdit Singh, expatiating on their alleged grievances; and Karm Chand (40) received similar communications from Sohan Singh (L. C. C.). These letters were read; and one announced that all

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Indians in America had sworn to return to India to start a mutiny, while others urged the Shanghai leaders to organize a party there for the same purpose. He states that accused 18 was dismissed from the police when found in possession of a telegram from the famous Bhagwan Singh, and that 18 was constantly preaching sedition in Shanghai and urging men to return to India to revolt. How for we are prepared to accept the evidence against 40 we will discuss in his individual case.

In July we are told Sundar Singh (85) and Mathra Singh (an absconder in the L. C. C.) arrived at Shanghai, and urged Policemen and watchmen to give up their employ and return to India; efforts which, according to witness, resulted in several men swearing to return, including accused 4, 88, 99, 18, and witness himself; while accused 37 promised to follow

Some of these men, we will see later, did actually leave for India; though as they say, not for *Gadr* - a defence we will duly consider in its proper place.

Evidence is also given by Balwant Singh (P. 139) as to what occurred in Shanghai. This witness in Shanghai became acquainted with Mula Singh (approver) and Nidhan Singh (L C.C.), who left for America. He remembers Gurdit Singh's emissary arriving at Shanghai, and informing Indians there of the chartering of the *Komagatu Maru* to proceed to Canada, and Gurdit Singh's lecturing in the *Gurdwara*. He also remembers the *Komagatu Maru* sailing, and a letter coming from Gurdit Singh in Japan asking for subscriptions, which resulted in a collection being made. He tells us the *Komagatu Maru*, while returning, did not come into dock at Shanghai; but two of the passengers landed and gave lectures in the *Gurdwara*, urging Indians in Shanghai to return to India, to incite Indians in the Pacific islands to do the same, and on arrival in India to raise a rebellion and expel the British. The *Komagatu Maru* as followed by Nidhan Singh (L.C.C.), Dhian Singh (Ferozeshahr murderer), Bala Singh and others, who urged the same policy; and Nidhan Singh took the money subscribed in the *Gurdwara*. Witness was himself urged personally by Hazara Singh (L.C.C.), Nidhan Singh (L.C.C.), Mula Singh and Hari Singh (22) to throw in his lot with the revolutionaries; and he did so. Witness asserts that Hari Singh (22) was Nidhan Singh's chief lieutenant, and was mainly instrumental in inducing him to consent; and witness accompanied Nidhan Singh's party on the *Mashima Maru*.

Suba Singh (p. 269), who was a watchman in Shanghai, also says accused 18 became a revolutionist there, collected money, received *Ghadrs*, and urged people to return to India for revolt; in consequence of which he was dismissed.

Hari Singh (p. 305) who was a watchman in Shanghai, deposes that accused 40 accosted him in Shanghai, and asked him to join in expelling the British; and he was told several had returned for that purpose. He states he heard accused 40 and others lecturing on *Ghadr* in the *Gurdwara*. Though we are not prepared to accept this evidence as against 40 it does show that sedition was actively spoken of in Shanghai.

Kesar Singh (accused 45), in his Magisterial statement, stated he was in Shanghai, where Gurmukhi *Ghadrs* were received; and, when the police tried to suppress the paper there, accused 18 and 22 began agitating, and inducing people to go to India for mutiny. He also referred to the famous Sohan Singh (L. C. C.) arriving from America, and convening a meeting, urging people to go to India for mutiny; whereon accused 18 organised a party to return, including Sunder Singh (W. G.) and accused 90. After their departure accused 22 continued the agitation until the arrival of Nidhan Singh (L. C. C.), Wir Singh and Harnam Singh, the agents of Gurdit Singh of *Komagatu* fame. There another party was got together and sailed on the *Mashima Maru*.

Sunder Singh (85), in his confession, dated 17th of September 1915, says that, while he was in Shanghai, he heard talk of going to India to war against the Government, and many undertook to do so. He met Mathra Singh in Hong Kong; and with him returned to Shanghai, where he met 18 and Sunder Singh (W. G.). He heard these two men urge others to return

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to India to rise along with the men returning from America. It was the *Komagatu Maru* affair which was at the time the great grievance; and the *Ghadr* influenced many. He admits he went home with some of these men, but says his only object was to get work.

Teja Singh (accused 90) states in his Magisterial statement he was in Shanghai in 1914, where he knew 18 and Sunder Singh (W. G.). The former urged him and others to return to India to kill the English.

His fare to India, he says, was paid by accused 18, who thought he was a revolutionist; but accused states he had no revolutionary intentions and simply accepted the money as he had no means of getting home otherwise.

There can be no doubt as to agitation in Shanghai; and, as we will see later, men actually left this place to wage war in India, before even the *Korea* had left San Francisco. We do not at this point express any opinion as to individuals; all we are concerned to show at present is that there was agitation in Shanghai.

In Hong Kong.

We saw in the first Conspiracy Case how agitation was conducted in Hong Kong; and how troops there were seduced. We have the same evidence in this case; and, in addition, other evidence.

Santa Singh (p. 224) states he met accused 53 in Hong Kong, who asked him to join the *Ghadr* party, but he refused.

Jamadar Lal Singh says he knew accused 28 in Hong Kong, and he reported that people accused him of holding seditious meetings there.

Sardar Hakim Singh, retired Subedar, knew accused 75 in Hong Kong and saw him in the *Gurdwara* there in the summer of 1914. The *Gurdwara* became a centre for seditious propaganda; many, including accused 75, lecturing there, and the *Ghadr* was freely distributed.

Subedar Mula Singh of 25th Punjabis (p. 342) was in Hong Kong in 1914, and he deposes to the *Ghadr* being received there, and to seditious speeches, which forced the authorities to place the *Gurdwara* under a committee of respectable Indian Officers. Prominent among the agitators were accused 28 and 75, whose names he noted at the time in his note-book. Here again without expressing any opinion as to individuals, we are satisfied that there was active agitation in Hong Kong.

In Penang.

Pursuant of the *Ghadr* policy to agitate in the islands, Penang was also made a centre for revolutionary propaganda.

We saw in the L. C. C. a certain amount of what was done there; and Arjan Singh (approver) states he became inflamed by *Ghadrs*, and recollects Sohan Singh (L. C. C.) arriving there; and witness was accosted by one of his companions and asked to return to India for rebellion.

In Siam.

In this case we have evidence in regard to an entirely new centre of seditious propaganda. This is Bangkok.

Mangal Singh (p. 306), who was *granthi* in Bangkok, tells us seditious discussions began there with the arrival of *hadrs*; and a split among the Indians took place there over the question of subscribing to the paper.

Thereafter, accused 28 and another man arrived; and 28 began delivering seditious lectures, urging Indians to return home to help the American emigrants to fight Government.

According to this witness accused 28 was in Bangkok a month trying to stir up people.

The witness returned (he says, with no ulterior intent), by a boat sailing on 6th February 1915; and we will see what occurred on that boat later.

Labh Singh (p. 306) also testifies to hearing accused 28 giving seditious lectures in Bangkok, and advising Indians there to help in overthrowing the British Government, saying he was going to India to fight for that purpose. He also deposes to his departure for India.

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Mehr Singh (p. 307) gives similar evidence.

Sub-Inspector of Police Jagat Singh, Criminal Investigation Department, tells us this story was discovered, while enquiring in regard to certain *Aroras* who had recently returned from Bangkok, on information that Labh Singh knew all about the *Ghadr* movement in Siam. It is to be noted that much more information has been given in regard thereto than what has been placed before us.

Mr. Slattery, Criminal Investigation Department, has explained to us how this Bangkok evidence was discovered. He states that in March last 17 Punjabis left Hong Kong for Bangkok, who were arrested on the Burmese frontier. Another gang of 7 Punjabis was also arrested on the Burmese frontier.

In enquiry as to these 7 men it was ascertained that a shopkeeper, Budha Singh of Philoke, then in Bangkok, had been helping them; and while enquiring from Budha Singh's relatives, who had recently returned from Bangkok, the police ascertained 28's seditious activities in Bangkok.

This new evidence proves beyond a question of doubt that the *Ghadr* movement, once started in America, spread throughout the Far East, wherever Indians were collected, and the one main object was the same everywhere, *viz.*, a return to India with the specific and direct object of waging war, expelling the British Government, and murdering all supporters of law and order. The guilt or innocence of particular accused mentioned will be considered in the appropriate place.

(2) PREPARING FOR THE MIGRATION.

In Shanghai.

In our Judgment in the first Conspiracy Case we indicated that we were of opinion that the episode of the *Komagatu Maru*, which had set sail from Vancouver in July 1914, had something to do with the organization of the migration from Shanghai.

In that case all we knew about the migration from Shanghai was from Jawala Singh, who told us of the circumstances attending the sailing of the *Mashima Maru*.

In this case, as we have already noted in section A (1), the arrival in Shanghai of *Komagatu Maru* men on their way back led to an organized movement from Shanghai, according to the witnesses, under the leadership of accused 18; and as we will see later, it was the Shanghai party which made the first move to India, and which, on arrival, was the first to take action in India.

The incident of the *Komagatu Maru*, Amar Singh now tells us, had much to do with the determination of the revolutionists in America to return to India at that particular time; and we do not doubt that that was so.

In America.

We have the same evidence as in the last case, *viz.*, that of Amar Singh, Mula Singh, Nawab Khan and Umrao Singh, that in August 1914, a movement of men commenced from Oregon and California to San Francisco *en route* to India to wage war.

We desire to emphasize that these movements, *i.e.*, from Shanghai and the States, were *definite arrays of men*, armed, as we will see, for the purpose of waging war.

(3) THE OBJECTS OF GOING TO INDIA.

The *Ghadr*.

In the Judgment in the first Conspiracy Case we showed from the file of the *Ghadr* itself that the object of those leaving the States for India was the overthrow of the British Government; and we detailed the means advocated to achieve that end. We have nothing to add to what we then said; the same evidence is evidence in this case.

The Oral evidence in L.C.C.

The oral evidence of Amar Singh, Jawala Singh, Nawab Khan and Umrao Singh discussed in that Judgment, is given again in this case; and in addition we have some new evidence.

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Sunder Singh, W. G.

Sunder Singh, W. G. (p. 73), states that a letter from Gurdit Singh was received at Shanghai, saying all Indians in America had sworn to return to India for mutiny, and 1,000 men would embark in October for that purpose; and he also tells us that accused 40 got a letter from Sohan Singh (L. C. C.), one of the organizers of the migration, saying he was leaving America for India to raise a mutiny. There is no doubt as to his own object, for he assures us that he, accused 4, 88, 99 and 18 swore on the *Granth* to devote themselves to the revolutionary cause, and do whatever they were told to do by their leaders; and in leaving Hong Kong, he states, his object was to raise a rebellion. Nor is there any doubt as to Gujjar Singh's intention, if this witness is to be believed, for he tells us Gujar Singh told him at Calcutta they should be ready to rise in rebellion when the people coming from America arrived. This witness also tells us that on arrival in Amritsar he announced to Kala Singh (hanged) and Ganda Singh (.4) that he had come to India for rebellion.

New witnesses.

Puran Singh (p. 21), who is a brother of Balwant Singh, tells us that when Balwant Singh returned from Shanghai at the end of December 1914, he told him he had given all he had to a fund started by Hardial and Bhagwan Singh, in league with some Germans, to turn the British out of India, and that, for this purpose, several Indians had left America.

Natha Singh (p. 92) says when he met Budha Singh (8) and Chanan Singh (W. B.) in November, they told him that Sikhs had returned, and more were returning from China and America for *ghadr*.

Wasawa Singh (p. 128) states Balwant Singh told him the object which the *Ghadr* party had was the expulsion of the British from India

Surain Singh (p. 138) says the sowars of the 23rd Cavalry were prepared to do anything the returned emigrants suggested, in order to overthrow the Government.

Achhar Singh (p. 148) of the same regiment says he too heard 93 say the returned emigrants had come back under oaths to cause a revolution.

Nand Singh (p. 235) states Chanda Singh (9) and Arjan Singh, approver, left Penang in January telling him they were going back for *ghadr*, and on the ship he came by, the men on board said they were returning to fight and free their country.

Pakhar Singh accused.

Pakhar Singh (accused 62) in his confession definitely stated that, after the *Komagatu Maru* affair in Vancouver, he returned to India, the ultimate object being to rise against the British Government if conditions were favourable.

Conclusions.

There can, therefore, be no doubt as to what was the object of a number of those leaving the States, Shanghai, Hong Kong and Penang; in fact, of the majority of those who returned from the Pacific Coast and the further East. The object was clearly war against the King, and the overthrow of the Government by law established in India.

B.—THE RETURN TO INDIA.

In the Judgment in the first Conspiracy Case we gave an account of some of the vessels which brought back the revolutionaries.

The *Korea*.

In the present case we have most of the evidence then given, and some additional evidence as well.

Amar Singh, Umrao Singh and Nawab Khan tell us once more what they told us as to the *Korea's* voyages from San Francisco to Hong Kong, and of the present accused we learn that Nos. 12 and 73 were passengers on her.

The approver Mula Singh gives us the same evidence in regard to the *Siberia*, which left San Francisco on the 5th September, and we now find that he left Shanghai for Hong Kong and then for India by the *Atsuta Maru*.

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Umrao Singh and Jawala Singh again describe the voyage of the *Mashima Maru* which left Shanghai for Hong Kong on the 15th October, and among the passengers thereon were, according to the evidence, accused 16, 22, 37 and 45. *Mashima Maru.*

In addition to this evidence, we have the evidence of Balwant Singh (p. 140), who admits he threw in his lot with the revolutionaries, and tells us that when he consented to join, Nidhan Singh (L. C. C.) told him his fare would be paid for him, and he did sail on the *Mashima Maru* arriving eventually at Colombo.

He tells us that among the accused on board ship were accused 22, 37, 45, besides Nidhan Singh (L. C C.) and Dhian Singh (Ferozeshahr murderer), the party of revolutionists numbering some 50 or 60 men.

On board the vessel, he tells us, money was collected to buy arms; and when they touched at Hong Kong, they were met by a large body of American Emigrants, who delivered inflammatory speeches appealing to them to return to India for revolution. After leaving Hong Kong he heard that two boxes of pistols had been thrown overboard by Nidhan Singh, through fear of search, and witness tells us also that seditious lectures were given on board by Hari Singh (22), Nidhan Singh (L.C.C.) and others, oaths being taken to commit dacoities and to seduce troops, and to gather at fairs.

He tells us also they were told gatherings would be held at fairs, and the rising would take place when the people had been worked up sufficiently.

Kesar Singh (accused 45) sailed on the *Mashima Maru*. In his magisterial confession he mentions Nidhan Singh, accused 37, one Harnam Singh, of Padhana, Jawala Singh (approver), 16, 22, and several others, whom it is difficult for us to be positive about, owing to the imperfect account given by accused. He has stated nothing as to what took place on board, but asserts that, having arrived at Madras, part of the gang went to Hazur Sahib, part to Amritsar direct.

We referred also to the *Canada Maru* which left Vancouver with revolutionaries. On this boat Hari Singh (21) sailed, leaving Victoria on the 8th June. *Canada Maru.*

As to the proceedings in Hong Kong, when these passengers assembled there, we have the same evidence, proving beyond question that Hong Kong was seething with sedition, and the *Gurdwara* became the head-quarters for revolutionists returning to India. In Hong Kong.

The voyages of the *Tosha Maru* and *Mashima Maru* from Hong Kang to India are again described by Nawab Khan. Amar Singh, Umrao, Jawala Singh and Kesar Singh, and it is quite unnecessary for us to trace in detail again what happend on board. *Tosha Maru* and *Mashima Maru.*

We need only say that Arjan Singh (p. 199), and Nand Singh (p. 235) give further evidence, corroborating the attempts of the *Tosha Maru* passengers to spread sedition in Penang.

We have to mention, however, that accused 96 was a passenger by the *Tosha Maru*.

We see no reason to alter the views we have already expressed.

It will be remembered that in the Judgment in the first case we briefly referred to the Nam Sang which sailed from Shanghai, reaching India on the 13th October 1914. *Nam Sang.*

That vessel and another that sailed about the same time carried Sohan Singh (L. C. C.), one of the most dangerous men in the whole of this movement, Nand Singh (L. C. C.), also a very dangerous individual, Harnam Singh, Sialkot (L. C. C.), Chanan Singh (W. B. murderer), and Jawala Singh, absconder (who, if the evidence against him is true, is far and away the most dangerous revolutionist still at large), and among the passengers, accused 4, 7, 8, 18, 24, 29, 75, 85, 88, 90, 93 and 100 are mentioned.

We have now a great deal of evidence in regard to these vessels, and they assumes an importance not less than that of the *Korea*.

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It was by the "Korea" that a large body of armed revolutionaries left the States on the 4th August; it was by the *Nam Sang* that a part of the first body of men, organized in Shanghai for the same purpose, set sail from Hong Kong, carrying on her men, who were the first to move actively in India. The movement from Shanghai *vid* Hong Kong is related by Sunder Singh (W. G.). He tells us (P. 73) that Gujar Singh (18) got Suja Singh (88), Balwant Singh (4) and himself to go to Hong Kong, with Mathra Singh (absconder L. C. C.), on the 18th July, where they arrived on the 23rd and stopped at the *Gurdwara*. They were followed, he states, a few days later, by another party, from Shanghai, which included accused 85, 24, Harnam Singh (L. C. C.), and Chanan Singh (Walla Bridge murderer). This party, witness states, brought arms with them procured by Gujar Singh in Shanghai. At Hong Kong the party, which was joined by accused 8, stayed a month, getting more recruits, and eventually, on 10th September, a portion of them sailed on a Jardine boat for Calcutta. On this ship the following sailed:—

Sundar Singh (85),
Harnam Singh (24),
Chanan Singh (Walla Bridge murderer),
Suja Singh (88),
Balwant Singh (4),
Sundar Singh (W. G.),

and others not accused before us.

On board *en route* witness states Sunder Singh (85) and he recited *Ghadr* verses to their fellow passengers and Harnam Singh (24) wrote down a number of these verses in a pocket book (P. 17) produced before us, an incident discussed more fully in Harnam Singh's individnal case.

There were the customary revolutionary lectures on this boat, as on others, conducted, we are told, by Sunder Singh (85).

At Singapore, which they reached on 18th September, they came across the *Komagata Maru* lying outside harbour, and the passengers signalled to each other, the Jardine boat signalling they were returning to India to help the *Komagata Maru* people; and witness was told by Sunder Singh (85) that the passengers by the latter were fully armed with weapons procured in America and Japan.

Harnam Singh (24) was dropped at Singapore to preach sedition there; and the vessel proceeded to Penang, where Sunder Singh (85), Balwant Singh (4) and witness preached sedition in the *Gurdwara*, but procured no recruits; and thence to Calcutta, which was reached on the 28th or 29th, September.

Sunder Singh (85) in his confession gives an account of his voyage by the same ships. On board, as far as Hong Kong, were 18, Chanan Singh (W. B.), Harnam Singh (Sialkot) and Sohan Singh (L. C. C). From Shanghai the ship called at Hong Kong.

From Hong Kong Sunder Singh (W. G.), accused 4, 88, Chanan Singh (W. B.) and accused 4 sailed; and on reaching Singapore a meeting of Indians was held there. From Singapore the boat came on to Calcutta.

The *Nam Sang* sailed from Hong Kong a little later. On her were accused 7, 8, 18, 29, 78, 90, 93, 99, 100 and 24, who joined at Singapore and some 250 or 300 Indians.

Teja Singh (90) sailed by the *Nam Sang*; and among other passengers he mentions 18, 99, 7, 29; and at Hong Kong he saw 8. The vessel called at Penang, and eventually reached Calcutta. Though he says he did not at first join in it, he heard his fellow passengers talking of starting mutiny in India, and by their persuasions he was won over.

Thakur Singh (93) also came on the *Nam Sang* from Hangkow, as he says, to take up service. At Shanghai the vessel was joined by Sohan

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Singh (L. C. C.), with his companions, who had come from America; and by 18, 7, 29 and others. The ship stopped some time at Hong Hong, where, in order to be certain 93 would come on, 18 and Sohan Singh paid his fare onwards.

Among other passengers joining at Hong Kong he mentions Chanan Singh (W. B.), Sunder Singh and others.

After leaving Hong Kong, there were constant seditious lectures and recitations from the *Ghadr*, the substance of which was that the British Government should be expelled, and all Englishmen massacred.

At Singapore and Penang some 200 or 250 men joined the vessel; and eventually the ship reached Calcutta on the 13th October 1914.

Other vessels.

In addition to these principal vessels, we may mention the *Kum Sang*, which carried among others accused 15, 53, 81, and arrived on 11th November 1914; the *Yat Sang* with 32 and 62 on board, transhipping to the *Australien en route*; the *On Sang* from Frisco, bringing accused 33 and reaching India on the 3rd January 1915; the *Golconda* arriving on 9th August 1915 with accused 40, the *Australien* with accused 37, 58, 62, 70 and 98; the *Lai Sang*, *Foo Shing*, *Kwang Sang* and *Lama* and other vessels, whose names we do not know, all bringing their various complements.

As in the Lahore Conspiracy Case we desire again to emphasize that the lists we have given by no means exhausts all the returned emigrants. It is now in evidence that no less than 6,000 Indians returned to India in the brief space of time that has elapsed since the *Komagata Maru* affair. No doubt a number of these were men returning in the ordinary course, and as to individuals we will consider in due course their defences, but the fact is clear that there was an organised armed movement to India.

From Siam.

Separate from these first movements is a smaller movement from Siam, early in 1915, in which accused 28 is alleged to be concerned.

Mangal Singh (p. 306), who sailed, on 6th February 1915, from Bangkok on the same ship as accused 28, says 28, who feared arrest, was sent home with the wife and children of one Lehna Singh. The ship reached Rangoon and then Calcutta; and he states that at Rangoon it was proposed to enlist a seditionist, named Chet Ram, in the Police, to enable returning emigrants to be passed.

He also says that at Rangoon, and on board ship, 28 harangued the passengers saying crowds of men, well armed, were coming home for revolt, urging them not to pay revenue or sell wheat, reciting the *Ghadr* and collecting money.

He also says 28 told him at Calcutta men there of the revolutionary party were busy driving taxi-cabs and shooting down the British.

Mehr Singh (p. 307) also sailed on this vessel, and says accused 28 spoke sedition on board, and said he was going to India to incite the people against Government.

How far this movement extended we do not know; it has only recently been ascertained by the Police, and the barest outline of it, in so far as the charge against 28 is concerned, has alone been placed before us.

C.—THE REVOLUTIONISTS IN INDIA.

Outlines of Proceedings.

Discussion in L. C. C.

In the Judgment in the Lahore Conspiracy Case we gave an outline of the proceedings of the revolutionists on their arrival in India; and we propose to do the same now, before dealing with the details of what was done.

This becomes the more necessary because we have new evidence as to incidents and movements, of which we knew nothing before, and because we

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find that the activities of the revolutionists have continued until at least August 1915.

We showed in our last Judgment how men, who arrived by the *Tosha Maru* and *Mishima Maru* came up to the Punjab; and we traced in detail their activities, through the Ladhowal, Moga and Bhadowal meetings, up to the attempt to assault the Mian Mir magazine on the 25th November.

Arrivals from Shanghai and Hong Kong.

In addition to these men, we have now evidence as to earlier arrivals from Shanghai and Hong Kong by the *Nam Sang* and other vessels.

Men who returned by these vessels, though devoid of a leader like those who came out later, were, according to the evidence, more or less under the directions of accused 18, until the 18th November, when he was arrested.

Under his orders the evidence states sedition was actively preached in the villages; and the Indian army and men told to hold themselves in readiness to rise and massacre when the signal was given.

The Jhar Sahib and 23rd Cavalry.

Revolutionists kept in touch with each other at fairs; and eventually a committee was appointed at Khasa to arrange to give effect to their designs. This committee, which got into touch with Nidhan Singh, decided on a gathering at Jhar Sahib on the 23rd November. It was, however, on the 26th November that the real gathering actually did take place. It was a gathering of armed revolutionists, which was expecting mutineers of the 23rd Cavalry to ride out to them, after the attack on the Mian Mir magazine on the 25th had been successfully accomplished, and then proceed to march on Tarn Taran.

The 23rd Cavalry failed to rise in large numbers. Some men did mutiny, but arrived days late at the Jhar Sahib, and were quickly arrested; and the revolutionaries, deprived of their assistance, contented themselves with marching from Khairon to Sarhali to attack the *thana* there, get arms, and then proceed to Patti or Tarn Taran.

This march on Sarhali ended, as so many of the schemes of the revolutionists did, in a ludicrous fiasco; and the great majority of those who were concerned in it seem to have had enough of *Ghadr*, and to have then dropped out of it.

The Ferozeshahr murders, etc.

We have nothing to add at this point to the paragraphs of our previous judgment dealing with the Ferozeshahr murders, Nawab Khan's gang, the arrival of Mula Singh, the lull in December, the coming of Pingley, the Virpali Dharmsala meeting, the manufacture of bombs, the coming of Rash Behari Bose, activities in Ludhiana and Lohatbadi, the dacoities, Lahore as head-quarters, the date for the rising, the spy, the change of date, the police raid and the collapse. All that we then said on these matters holds good in the present case.

Revolution in Ludhiana District.

We have, however, evidence now showing, that while the centre of the revolutionists was in Amritsar and Lahore, there was an active revolutionary movement taking place in certain villages in and near the Ludhiana District under—so it is said—the leadership of Randhir Singh; himself a person well known to the Lohatbadi revolutionists, an acquaintance of Kartar Singh (L. C. C.), and known by name in all probability to Rash Behari Bose.

This wing of the revolutionary movement, according to the evidence originated in a series of meetings of some ill-balanced and ill-informed Sikhs, who had been deluded by Randhir Singh and others, into a belief that their religious susceptibilities were being interfered with. By skilfully playing on their bigotry and gullibility a gang was organised in these villages to go down to Ferozepore on the 19th February, there to attack the arsenal with the disaffected troops in that station. A party did go to Ferozepore; but abandoned the projected assault for the reason that the sepoys, who had undertaken to help there, had been placed under arrest, and discharged from the regiment that very morning.

The 19th February.

We thus know how it was that both in Lahore and Ferozepore, (in the latter of which places there was a distinct array to wage war), the expected mutinies of the 19th February failed.

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We have so far been able to fill in a few of the links in the story up to the 19th February.

After efforts.

In our last Judgment we referred in very brief terms to what we called "after efforts" in Meerut and Sargodha; but we are now in possession of facts showing that, though the raid of the 19th February broke the back of the revolutionary movement, and deprived it of its centre in Lahore, the movement was by no means done with.

(1) The 23rd Cavalry.

The 23rd Cavalry in Lahore still continued to be the hope of the revolutionists. Men like Prem Singh (67) made the lines of this regiment their rendezvous. Plots to murder Kirpal Singh, the spy, were hatched there; bombs were manufactured by some of the sowars; and mutineers discussed the murder of their officers, and other preliminaries to the establishment of *Swaraj*. By an accidental explosion of a bomb in some luggage of this regiment, while *en route* to Nowgong, this part of the revolutionary movement was discovered; and through the people then involved the whole story of the Jhar Sahib array was cleared up.

It was not only in the 23rd Cavalry that the *ghadr* movement survived the troubles of the 19th February.

(2) Doraha bridge

Some of the men who failed at Ferozepore on the 19th tried their hand on the 22nd in an assault on the Doraha bridge, which came to nothing; and, after this, owing to the rounding up of the majority of the leaders in the first Lahore conspiracy case, there was a general scattering of *ghadr* men.

(3) Kapurthala raid.

In April, however, we find that Dhudike had become a rendezvous of revolutionaries. There were active revolutionists returned from America in that village; and the local school master (accused 65), is said to have been in close touch and sympathy with them, and to have become a kind of introducer of other revolutionists to them. Whether he was so or not we will discuss later, but there is no doubt that men of that village and others of the neighbouring villages were asked to join by some Amritsar revolutionists in an attack upon the Kapurthala armoury in June.

On the 5th June a gang of armed men met at Kapurthala to attack the armoury there; with apparently the intention of then marching into Lahore to attack the Central Jail, and release the prisoners in the conspiracy case. The gang came to the conclusion that they were in insufficient numbers to attack on that day, and postponed the attack to the 12th June.

(4) The Walla Bridge murders.

In the interval, a portion of these men determined to attack the railway bridge guard at Walla Bridge, and get arms there for use in attacking the Kapurthala armoury. The Walla Bridge guard was attacked on the 11th June, two men were murdered, and, while the murderers were retracing their steps to Kapurthala, they murdered two more men *en route*. Eventually, 5 of these murderers were arrested and have been hanged; and others of those concerned in the Kapurthala raids were seized.

The leaders of the Dhudike gang scattered, and have gradually been arrested.

The other enterprises of the remnants of the revolutionists consist of murders, which we will deal with later.

(5) Murders.

It suffices for us to say here that murder has been tried with some success, in order to prevent decent citizens doing their duty in suppressing the revolutionists, and in giving evidence.

We may now turn to the details of the activities of the revolutionists in India.

I. INTERNAL ARRANGEMENTS.

(1) Use of false names.

As in the first case, so in the present, many of the accused rejoice in *aliases*, but we do not think it necessary to detail them here. They are sufficiently dealt with in the individual cases.

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(2) HOUSES IN AMRITSAR AND LAHORE.

The evidence we had in the first case has been in substance repeated before us now; and there is nothing to add to or alter in our previous findings, nor is there any need to recapitulate the evidence again given as to prior arrangements to meet in India.

II. THE GATHERINGS OF THE REVOLUTIONISTS.

(1) MEETING OF REVOLUTIONISTS IN INDIA.

We dealt in our previous judgment in detail with meetings at Ladhowal, Moga and Badowal. As the same facts are now proved by the same evidence we have nothing to add to our previous findings.

(2) THE EARLIER GATHERINGS AT FAIRS.

We have, however, new evidence as to gatherings at the end of October and beginning of November at fairs and elsewhere, meetings which ultimately led to the Jhar Sahib array.

These gatherings were primarily of those men who had returned from Shanghai by the *Nam Sang* and other steamers.

The men who returned by these steamers in September and October, and who had, according to the evidence, come out under the directions of Gujar Singh (18) were an advance party; and, though they did get into touch with the Ferozepore leader Nidhan Singh later, their operations were for a time carried on on separate lines.

These men were without a real leader of the type that arrived later; but they are alleged to have taken their orders from accused 18.

How all these early arrivals got to the Punjab we do not know.

(1). Sunder Singh (W. G.) at Calcutta.

We are told, however, by Sunder Singh (W. G.), that, at Calcutta, where they arrived about the same time as the *Komagatu Maru*, Sunder Singh, (85), who had been on the same ship with him, declared his intention of proceeding at once to the Punjab with accused 4 and 88 with the object of spreading reports of the Budge-Budge affair.

Diwali at Amritsar.

Eventually, on the 13th October, a party, including accused 18, 8, 7, 29, 90, 99, 93, 24, 100, 57, witness and Chanan Singh (Walla Bridge murderer) left Calcutta with instructions to meet at *Dewali* near the Clock Tower at Amritsar. They foregathered at Nanak Singh's *chowbara* on 16th-17th October, and were joined we are told by accused 85, 4 and 88, and got orders from Gujar Singh (18) to occupy themselves for the time being in spreading disaffection, by giving garbled versions of the *Komagatu Maru* affair, and gaining recruits; and to be ready to rise when the emigrants returning from America arrived. The witness himself did what he could in this direction in Amritsar. On Dewali day a further party of 19 or 20 men under Mathra Singh (absconder L. C. C.) and including accused 73, 76, 86 and Harnam Singh of Sialkot (L. C. C.), arrived in Amritsar; and a number of men were seen by witness, during Diwali fair, waiting for orders as to when to begin,—a common place of meeting being Nanak Singh's *chaubara*, which is said to have been the head-quarters of accused 18. Amongst others the witness came across accused 7, 29, 99, 24, 93, 86, 76, 97, 14, 100, 4, 90, 73, 8, 85, 88, Indar Singh of Sur Singh (L. C. C.), Piara Singh (L. C. C.), Harnam Singh (L. C. C.), Mathra Singh (absconder L. C. C.), Chanan Singh and Kala Singh (Walla Bridge murderers) and orders were given then to go home, and there await the date of rising, which would be communicated by accused 18 and 100. Witness was commissioned to tell all men in Amritsar; and he gave the message also to accused 97 and the famous Nidhan Singh (L. C. C.).

Various meetings between witness and accused 7, 57, 24, 85, 87, 18 and Harnam Singh, Sialkot (L. C. C.), took place, of no particular importance, the upshot of which was that Gujar Singh still kept telling them the date had not been fixed; and then witness and accused 24 proceeded to the Nankana fair (November 2nd) to see all revolutionists they could, and exhort them to keep ready. Here they met accused 7, 14, 22, 90, 96, 24, 93, Indar Singh (L. C. C.),

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Piara Singh (L. C. C.), Chanan Singh and Kala Singh (Walla Bridge murderers). Here, too, witness saw Jaggat Singh (L. C. C.), Kartar Singh (L. C. C.) and Amar Singh (approver), and they were told a committee intended sitting at Khasa to fix the date to rise. Enquiries, in the meantime, were to be made as to the number of men and arms available in villages like Bhure and Dhadher, and agents sent out to urge the villagers to join in ; accused 7, 57, 24 and 93 going to the Bar, and witness to Dadher and Bhure, in the former of which villages he saw accused 100.

Khasa.

A fews days after, Sunder Singh (85) came and told the witness the 15th November had been fixed by the committee, which had met at Khasa, for the rising, and the leaders appointed were Mathra Singh (absconder), Kartar Singh (L. C. C.), Jaggat Ram (L. C. C.), Nidhan Singh (L. C. C.), accused 18, 87 and 100, and one Vir Singh not accused. Witness was detailed to inform the Sur Singh villagers, which he did, delivering the message to accused 73 and Indar Singh (L. C. C.).

As we will see later, what prevented the immediate rising on a large scale, was the failure of arms to arrive ; and it was for this reason that Harnam Singh of Sialkot (L. C. C.) told witness the rising for the 15th had to be postponed, and also informed him that all revolutionaries, after being warned, should collect at the *Amawas* fair at Tarn Taran on the 17th November to get instructions.

Tarn Taran.

After again warning the Sur Singh people, the witness says he attended at Tarn Taran, and there met a large crowd of fellow-revolutionaries, including Kala Singh (Walla Bridge murderer), Indar Singh (L. C. C.), Harnam Singh (L. C. C.), Chanan Singh (Walla Bridge murderer) and accused 73, 15, 8, 45, 100, 4, 99, 76, 86, 93, 24, 7, 29, 90, 96, 25, 37, 14, 22, 87, 85, and other men not accused, all of whom were seeking information as to when the rising would commence ; information it was expected Gujar Singh would convey.

During this fair the Police arrested Gujar Singh (18). Witness however says a small committee, consisting of Harnam Singh (L. C. C.), Kala Singh (Walla Bridge murderer), accused 85, 87, 14 and 100 and witness, decided to meet with Lal Singh of Bhure (L. C. C.) at the Jhar Sahib in a few days time, and there decide what to do ; and the other revolutionaries were told they would get news after the meeting at Jhar Sahib.

(2). Natha Singh, Amritsar.

Natha Singh (p. 92) refers also to the meeting of revolutionists at Amritsar. He did not go to Amritsar himself, but he states he was visited by Budha Singh (8), and Chanan Singh (hanged) at his village, and they told him they had to go to Amritsar to attend a committee at Diwali. He promised to help if he was satisfied as to the arrangements made there ; and he states that 4 days after Diwali these 2 men again visited him, and told him a committee had been formed, including Sunder Singh, W. G., and accused 18 and 100, who would arrange for the rising within a month, and these assurances satisfied him, and his visitors went off to see accused 61 and Lal Singh (L. C. C.). Natha Singh's movements again overlap with those of Sunder Singh, W. G., when he was asked by Budha Singh (8), and Chanan Singh to meet on the *Amavas* day at Tarn Taran. He was told Sunder Singh, W. G., and accused 18 and 100 were the leaders.

Tarn Taran.

Witness duly went to Tarn Taran, and there says he met accused 73, 8, 15, and they discussed the date for a rising. He also saw there accused 97 ; and from Tarn Taran accused 8, 15, one Dharm Singh, not accused, and witness went on to Bhure, where he met accused 4, and heard from Lal Singh they were awaiting the return of Inder Singh (L. C. C.), and Harnam Singh (L. C. C.), who had gone to get men ready in the Doaba. From here the witness, after seeing Kala Singh (witness), who promised to join, set off with 15 and 8 to Sur Singh, *vid* Sangatpur and Gondwal, and then on to the Jhar Sahib with accused 90 for the meeting of the 23rd November.

(3). Kala Singh.

This last incident is corroborated by Kala Singh (p. 106), who says he saw Natha Singh, and accused 4 and 8 at Lal Singh's, and he, witness, agreed through fear to join the revolutionists.

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(4). Mula Singh. Mula Singh (p. 334) also speaks to being in Amritsar at *Amavas*, where he met Jagat Singh, Indar Singh, Atma Singh, Vir Singh, Lal Singh, from whom he heard of the Jhar Sahib failure; and to meeting 7 and Harnam Singh (*Komagatu Maru*) at Tarn Taran, whom he told to wait for orders.

(5). Amar Singh. Amar Singh (p. 346) states that he attended the Nankana fair, and there met Phera Singh, Sunder Singh (W. G.) and others. Sunder Singh told him to meet at Khasa on the 6th November; he went there, but missed Sunder Singh, and thence to Phagwara, and so to Moga for 19th November 1914.

(6). Sunder Singh (85). Sunder Singh (accused 85) stated in his confession he went to Amritsar on the occasion of the *Diwali*, where he saw Sunder Singh (W. G.) and accused 18, Kartar Singh (L. C. C.), and others, and with them he was taken to a place near the Khalsa College, and told to come to Khasa.

He went to Khasa on the fixed day; there met accused 18 and Sunder Singh (W. G.) and several others, including Mathra Singh (L. C. C.) and Kartar Singh (L. C. C.), where it was resolved to meet at Tarn Taran on *Massia* fair day. He went to the *Massia* fair, where he saw Sunder Singh (W. G.) accused 100, and Chanan Singh (W. B.); and later he heard of the intended gathering at Jhar Sahib, which he subsequently attended.

It has, however, been noticed this man's statement is not a confession in the proper sense; for, while giving a very full account of his movements, he explains his presence on these various occasions by saying he was pursuing Sunder Singh (W. G.) for the price of some umbrellas.

(7). Teja Singh (90). Teja Singh (90), who came on the *Nam Sang*, stated he came up from Calcutta to Amritsar with 18, 8, and Sunder Singh (W. G.). He went to Amritsar at *Diwali*, where he met Sunder Singh (W. G.) and several other returned emigrants. At Sunder Singh's request he went to the gathering at Khasa with 8 and Sunder Singh (W. G.) where they met 18, Harnam Singh (L. C. C.) and another Sikh. The object of going to Khasa was to fix a date. From Khasa he went to Nankana Sahib, then home, and ultimately to the gathering at the Jhar Sahib.

(8). Thakur Singh (98). Thakur Singh (93), who came on the *Nam Sang*, also came up-country with 18 and Sunder Singh, and thereafter went to Amritsar for *Diwali*. There he saw 18, Sunder Singh (W. G.), 100, 8, Chanan Singh (W. B.) and several others. He enquired frequently from 18 as to when orders would be given, and was told he would get orders from accused 100. It was from accused 100 and Sunder Singh (W. G.), he eventually got orders to go to Jhar Sahib, which he obeyed.

(3) The affair at the Jhar Sahib.

We have seen that after the arrest of Gujar Singh (18) at Tarn Taran on the 18th November, it is alleged that some of the revolutionaries decided to meet at the Jhar Sahib.

We understand the Jhar Sahib is a Sikh temple, standing alone in the jungle, not very far from the village of Bhure, and in its isolation a very suitable place for the gathering together of revolutionists.

In regard to this affair, in which so many of the present accused are implicated, we had very little evidence in the first Conspiracy Case; and we were unable to do more than find there was a gathering of some sort or other, intent on causing trouble.

The police investigations have now succeeded in unravelling the full meaning of this gathering; and there is no doubt it was an organized array, in which it was hoped mutinous troops from Lahore would join to inaugurate the general massacre and murders, which were, throughout, in the minds of revolutionists, the preliminaries to the overthrow of the British Government and the establishment of a new Government.

How this effort was organized, what it ended in, and why it resulted in a fiasco, it is now our business to trace.

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Sundar Singh, W.G.

The first witness we have is Sundar Singh, W.G. Somewhere about the 19th or 20th November he says that he, along with Indar Singh (L.C.C.) and Sadhu Singh (73) went to the Jhar Sahib, in pursuance of the arrangement agreed to at Tarn Taran. There they met Lal Singh (L.C.C.), Harnam Singh (L.C.C.), Kala Singh (Walla Bridge murderer) accused 4, 100, 7, 96, and 24 and a number of other villagers; and it was decided to get into communication with the revolutionaries in Malwa and Doaba to agree on a date for a general rising, which was provisionally fixed for the 23rd November. Harnam Singh (L.C.C.) and Indar Singh (L.C.C.) were deputed to see Nidhan Singh (L.C.C.), the leader of the Malwa and Doaba men; while other emissaries were sent out to collect men to meet on the 23rd November. Witness himself made a peregrination, informing accused 93, 37 and 4, and, linking up with Indar Singh and accused 73, returned to the Jhar Sahib, meeting accused 15 and 8 coming from that place.

From them they learnt the rising would not take place till the 26th, as Nidhan Singh (L.C.C.) could not get his party up there before that date. We have seen in the Lahore Conspiracy Case what Nidhan Singh was doing, and that he was at the Mullanpur meeting on the 23rd November, after which some of his men went down to Ferozepore without him, and committed the Ferozeshahr murders. That sufficiently accounts for his desire to delay the rising for a few days, until the Mullanpur meeting decided on a course of action.

In the Jhar Sahib on the night of the 23rd witness says were Harnam Singh (L. C. C.), Kala Singh (Walla Bridge murderer), Chanan Singh (Walla Bridge murderer), Inder Singh (L. C. C.), accused 100, 4, 7, 29, 37, 35, 93, 14, 24, 11, 96, 56, 73, 88, 85 and several other villagers; and, knowing the rising had now been fixed for the 26th November, the gathering dispersed.

With Wasakha Singh (100) witness got into communication with accused 82, a sowar of the 23rd Cavalry; who urged on them the necessity of moving early, as the regiment was ready to join, but if the rising was delayed, the regiment would be on active service. He hastened back to his regiment to convey the news that the rising was to start on the 26th.

We will see when we come to deal with the further evidence we have in this case how men of the 23rd Cavalry were seduced; and how at the critical juncture they failed. It suffices to say here they had undertaken and were expected to rise on the 26th November, massacre their officers and the British troops in Lahore, break open the magazine, and flushed with success, to ride out to the Jhar Sahib, and join up with other revolutionaries there.

We need only concern ourselves now with those who are stated to have met at the Jhar Sahib on the 26th. There was a very large gathering; and Sunder Singh mentions Inder Singh (L. C. C.), Jaggat Singh (L. C. C.), Harnam Singh (L. C. C.), Lal Singh (L. C. C.), Nidhan Singh (L. C. C.), accused 73, 45, 15, 8, 90, 91, 100, 11, 4, 56, 88, 93, 24, 37, 29, 7, 85, 93, 14, 25, Natha Singh (approver), Kala Singh and Chanan Singh (Walla Bridge murderers) and many others. Many of these men were armed with *chhavis* and *gandasas*, and all awaited the 23rd Cavalry, who were expected to bring arms, etc., from Mian Mir. The Cavalry mutineers did not arrive; and as a result of this disappointment, the revolutionaries at the Jhar Sahib decided to meet on the 27th at the Khairon mound, attack the police thanas at Sirhali and Patti, get arms there, after killing the police, and raid the treasury at Tarn Taran.

Not far from the Jhar Sahib and near Sirhali, there is a mound known as the Khairon Theh, the site of an abandoned village; and it was decided that the revolutionaries should meet there on the night of the 27th, and then proceed to Sirhali.

On the 27th the gathering took place at the Khairon mound.

The witness states that he knew, among those present, accused 4, 29, 37, 93, 24, 96, 56, 88, Chanan Singh (W. B. murderer), 85, 45, 8, Natha Singh, approver, 90, Jaggat Singh (L. C. C.), 25, Nidhan Singh (L. C. C.), Lal Singh (L. C. C.), 61, 99, 76, 84, 15, Prem Singh (67), 94, Inder Singh (L. C. C.) and Kala Singh (W. B. murderer).

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At this meeting, according to this witness and Natha Singh (approver), with whom we will deal shortly, a kind of roll-call was made, and names were written down in a note-book (Exhibit P. 1) by the witness, as Natha Singh called the names of those present. The witnesses say the list was not completed as time was pressing, and the party had to move on. Thirty names were, however, recorded; and though villages and parentages were not noted, the witness identifies all but two (who are not accused) with accused, approvers or men already convicted. The list of men, excluding those not before us or convicted, contains the names of men identified by witness as accused 4, 56, 90, 24, 93, 76, 61, 47, 8, 37, 85, 99, 67, 96, 55, 88, 29, 94, 49, 34, 45, 25, Natha Singh, approver, Chanan Singh (W. B.), Indar Singh(L. C. C.), Jagat Singh (L. C. C.), Nidhan Singh (L. C. C.) and witness himself. All the men mentioned by him as previously known, and those in the list, except accused 47, 34, 55, 49, he identifies in Court.

The witness proceeds to state that from the mound the gang proceeded, (some of them being armed), to Sarhali. Natha Singh, approver, accused 61 and Lal Singh were detached to fetch Dari (11), to assist by a ruse in getting the thana gates open, he being stated to be a well-known *badmash*. Dari, however, did not come; and, after surveying the thana and finding the police on the alert, the gang considered discretion the better part of valour, and dispersed without making the attack, which no doubt they would have made, had their intended victims been easily overpowerable.

Some of the gang went home, including accused 88, 93, 25, 29, 99, 61; while Prem Singh and Kala Singh (W. B. murderer) went to Lahore to see why the Cavalry had failed them; and the rest, under the orders of Lal Singh and Natha Singh, approver, hid in the jungle by the Beas to await the still-expected mutineers.

This party stopped at a zamindar's house in Dhun, where they left their arms; and some, *viz.*, 8, 15, 45, 50, 37, 14, 96, 90, 84, 4, 85, Indar Singh, (L. C. C.), Harnam Singh (L. C. C.) and Lal Singh (L. C. C.) fed in a *dharmsala*; while Lal Singh, Natha Singh and approver went to Chuslewarh to meet the expected mutineers of the 23rd Cavalry, but finding none they went on to Mian Mir. Their journey to Mian Mir need not detain us long. We may mention, as an incident corroborated, that at Chamba, Lal Singh deputed a relative to take food to the party at the river bank, and also that this body dispersed to their homes, when they discovered no mutineers were coming. The party journeyed to Lahore Cantonment, *viâ* Thakur Kaura, Chuslewarh and Bhan Gali, and witness heard subsequently from Indar Singh (L. C. C.) at Sur Singh, that the whole gang had dispersed without any arrests being made.

Natha Singh.

Natha Singh, Mahant, approver, also gives important evidence in regard to the Jhar Sahib affair.

After telling us how he came to be involved in the conspiracy, he tells us, that after 90 had told him of a coming gathering at Jhar Sahib, Ganda Singh (15) told him accused 73 had brought a message to meet at the Jhar Sahib,—this was for the 23rd November. He says he set out armed, with accused 8, 15 and 90, but on the way met accused 73, who told them the rising had been postponed. So they went on to Bhure and stopped at Lal Singh's house, where they heard from Harnam Singh (L. C. C.) and Sundar Singh, W. G., the rising had been postponed as the 23rd Cavalry had not ridden out as expected.

During the next 2 or 3 days witness says he met Harnam Singh (L.C.C.), Sundar Singh, W. G. (approver), accused 4, Kala Singh (approver) 8, 15, 97, 100, 54, 11 and others, with whom preparations were discussed, and paid a visit to one Jawand Singh, Nihang, said to be a man of considerable influence among Nihangs, to get him to join in; and eventually on the 26th November, he started for the Jhar Sahib with accused 100, 15, 4, 11, 8, Kala Singh and Lal Singh, many of them armed.

At the Jhar Sahib, that evening, witness saw assembled Lal Singh (L. C. C.), accused 100, 15, 4, 8, 11, Kala Singh approver, Indar Singh (L. C. C.,

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73, 55, Jagat Singh (L. C. C.), 67, 96, 56, Kala Singh (W. B. murderer), 5, 35, Chanan Singh (W. B. murderer), 90, 14 and Sunder Singh W. G.

This witness does not give quite so full a list as Sunder Singh W. G. does, and mentions a few names not given by the latter; but in the main the lists coincide, and whatever differences there are can be easily accounted for by the fact that different people observe differently, and wherever there is a difference in regard to particular accused, we can and will consider that in the individual cases.

Here all that it is necessary to emphasize is that the two witnesses agree as to the meeting; and in the main, agree also as to the incidents connected therewith.

The witness tells us, as did Sundar Singh, W. G., how they waited in vain for the men of the 23rd Cavalry, who, Prem Singh (67) told the gathering, were coming, and he also tells us that accused 102 was sent to see in Mian Mir why they had not come, and how it was decided to meet next night at Khairon mound to attack the Sarhali thana. He says he, with a party including accused 56, 14, 96, 15, 8, Kala Singh (W. B. murderer) and Harnam Singh (L. C. C.) stopped at the house of Kesar Singh (witness), whom they told they were tracking lost buffaloes, and in whose fodder house they hid some *chhavis*, and then went on to Khairon mound.

Out of those assembled at Khairon mound witness states he remembers Lal Singh (L. C. C.), Indar Singh (L. C. C.), Chanan Singh (W. B. murderer), Kala Singh (W. B. murderer), Jagat Singh (L. C. C.), Harnam Singh (L. C. C.), Sundar Singh, W. G., and accused 73, 55, 8, 67, 45, 84, 90, 14, 15, 4, 61, 96, and 56, and he details the arms possessed.

He tells us the same story in regard to the roll-call as the last witness; and describes how Lal Singh (L. C. C.) addressed them, urging them to loot thanas and tahsils, and he gives an identical account of how they proceeded to Sarhali, tried to pick up Dari (11), and how the party, after surveying the thana, gave up their enterprise, several of them going off to their homes. He tells us, too, that Lal Singh sent Prem Singh 67 and Kala Singh to hurry up the mutineers; and that a party, including accused 15, 8, 45, 90, 84, 56, 4, 96, 73, 14, Inder Singh (L. C. C.), Jagat Singh (L. C. C.), Harnam Singh (L. C. C.), Lal Singh (L. C. C.), Chanan Singh (W. B. murderer) and Sundar Singh, W. G., went to Dhun and halted at Khanda Singh's; and thence a few including 8, 15, 56, 84, 90, 14 and 45, Lal Singh (L. C. C.), Sunder Singh, W. G., and he himself proceeded to the river bank; and then, as Sunder Singh has already told us, they two and Lal Singh went off to Chuslewar, stopping at Chamba, Thakur Kora, Bhangali, and on to make enquiries at Lahore Cantonments.

Kala Singh.

Kala Singh, approver (p. 107), also gives evidence covering a portion of this episode. After telling us how revolution was preached at the Jhar Sahib, where he states accused 8, 67, 14, 7, 29, 4, 100, 61, 18, 5, 35, 102, 73, 55, Chanan Singh (hanged), Kala Singh (hanged), Lal Singh (L. C. C.). and Sunder Singh W. G. were visitors, and the principal speakers were accused 7, 56, Lal Singh (L. C. C.), Natha Singh and Sunder Singh W. G., and how a date was fixed for rising and postponed, he tells us that about the 24th November he saw Natha Singh, *Mahant*, accused 8, 15, 67, 11, 100, 4, 90, 55 and Lal Singh (L. C. C.) at Bhure; and he tells us, as Natha Singh has told us, that a deputation was sent to get the assistance of Nihang Jawand Singh. He also tells us that on the 26th November the following men assembled at the Jhar Sahib, and awaited the arrival of the mutineers of the 23rd Cavalry, who never came:—Natha Singh (approver), accused 8, 15, 67, 73, 55, 45, 91, 90, 56, 88, 49, 4, 100, 11, 24, 93, 14, 85, 29, 7, 96, 5, 35, 102, Jagat Singh (L. C. C), Chanan Singh (W. B. murderer), Kala Singh (W. B. murderer), Sunder Singh W. G., Lal Singh (L. C. C.) and others not before us. These men were fed by Jagat Singh and Sadhu Singh under the directions of Lal Singh, accused 5 and 35. All were there, he says, for *ghadr*; and many were armed; and were awaiting the arrival of sowars of the 23rd Cavalry. Speeches were delivered, prominently by Sunder Singh (W. G.), Lal Singh (L. C. C.) Natha Singh, and accused 56, 7 and 45.

He tells us also that when the expected sowars did not come, it was decided to raid Sarhali thana, get arms, and proceed to attack the Tarn Taran tahsil; and how, as the troops did not turn up, it was decided to meet at Khairon mound next day; and how a messenger was detailed to find out what had happened to the troops, and bring them on to Khairon. He himself was despatched on another errand; and so did not go to Khairon or Sarhali; but, after that escapade was over, he affirms he saw accused 5, 35, 67, 8, 7 and Kala Singh (W. B. murderer) at the Jhar Sahib, who told him how the project had failed, and he got similar information from *churas*, also concerned in the affair.

Jagat Singh.

An important, but obviously terrorized, witness is Jagat Singh (p. 104). He was not a revolutionary, but says he happened to be at the Jhar Sahib on the 26th November, because Lal Singh (L. C. C.) impressed him to take food to the men assembled there. He states that he either personally saw or heard mention of the names of Kala Singh (approver, Natha Singh (approver), 56, 8, 15, 5, 35, 90, 93, 45, 37, 88, 61, 11, Chanan Singh (W. B. murderer); and he heard Lal Singh preach *ghadr*, and say they were going to attack the thana to secure arms, with the help of troops who would join them.

It should be remarked here that this witness made a statement to a Magistrate, the correctness of which he admits, which is more positive in regard to accused 61 (*vide* Ex. P. 24.)

Miscellaneous witnesses.

There are number of miscellaneous witnesses is regard to this affair.

Subedar-Major Sangat Singh identifies the note-book P. 1 as being in the hand-writing of Sundar Singh of Wadali Guru.

Sardul Singh (p. 252) says Kala Singh, approver, came to him on behalf of Lal Singh (L. C. C.), asking him to come to the Jhar Sahib for a meeting about looting thanas and tahsils, but the witness declined to go.

Bhagwan Singh, Lambardar (p. 259), says in reply to a question in cross-examination he heard Harnam Singh (24) went to the Jhar Sahib.

Gujar Singh of Chamba saw a mob of men armed with *dangs* and *chhavis* near Dun (Amritsar), and told Risaldar Chet Singh about it. This was the gang wandering about after the Sarhali fiasco. Risaldar Chet Singh corroborates this testimony; and followed the gang on to Chamba, where he told Hakim Singh to make enquiries. Hakim Singh tells us he did enquire in Dun, where he found the gang had been to Khanda Singh's for food and then to Kesar Singh's, and had gone on to the low-lying river lands. He also heard that Lal Singh (L. C. C.) and Natha Singh, approver, with another man had been in Chamba, left arms there, and gone on to Chusle warh and Lahore. He reported in the Sarhali thana, the report being P. 91 A, which H. C. Hakim Singh and Police Moharrir Mohai-ud-Din (p. 253) depose to recording (p. 274).

Khanda Singh corroborates that Natha Singh approver, with a gang of 10 or 15 men, stopped at his *haveli*, and had food there, to which they were served by Kesar Singh and Ghasita, saying they were out *shikaring*; but he cannot identify anyone. Kesar Singh and Ghasita corroborate, and say they helped to serve the gang; and both of these men identify accused 15 as one of the mob. Natha Singh of Bhure remembers a number of men coming to Lal Singh's, and then going on to Jhar Sahib, and Lal Singh forcing him, under threats, to make *gandasas*, saying they wanted them to fight Government with.

Dasondhi (p. 264) says he went to the Jhar Sahib, and there saw a number of men collected, including Lal Singh (L. C. C.) and accused 4, who were talking sedition and reading a *Ghadr*, Balwant Singh (4) lecturing to the effect they were going to change the *Raj*.

Isher Singh of Waltoha says he remembers seeing accused 56, 34, 49, 94, 88 leaving the village together, but did not enquire where they were going; Jhanda of Waltoha gives identical evidence; so too does Ijaib Singh; and S. I.

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P. Teja Singh says he procured information of this fact, after seeing the note-book P. 1, and suspecting they were Waltoha men from the juxtaposition of the names therein.

Sardar Ali, who gave evidence in the L. C. C., repeats his evidence before us ; and remembers seeing a crowd being fed at Lal Singh's in Bhure in November ; the crowd thereafter going on to the Jhar Sahib. He was told by Lal Singh and his brother the mob had gathered for *bagawat*, and he at once reported to the Deputy Commissioner, Amritsar, along with Kapur Singh, who has since been murdered. He identifies as having been present at Lal Singh's or Jhar Sahib, Lal Singh (L. C. C.), Indar Singh (L. C. C.), Natha Singh (61), accused 35, 15, 5, Kala Singh, approver, and others not before us.

Bahadur Singh also says he saw a gathering at Jhar Sahib, but only mentions Lal Singh's name ; and says Lal Singh told him the gang had collected to attack thanas and tahsils. Bishen Das of Dhun saw Natha Singh, approver, with a gang at Khanda Singh's, where they fed ; and he identifies Natha Singh and accused 45 ; while Piru Chuhra remembers seeing an armed gang going on to Chamba, and he identifies 96.

Jhanda Singh of Dhun, who lives by the river, says a gang stopped at his *jugi* and had food ; but he can identify no one.

Mahant Devidas says Prem Singh, Lambardar, told him of the armed gang ; and he began making enquiries and met two men, who said they wanted food, as they and others were out *shikaring*. He had seen three men at a well the same day, armed with *chhavis ;* and, on jail parade, identified 8, 45 and 84 ; and before us he identified 8, failed in regard to 45 and 84, and recognized 7 and 15.

Prem Singh, lambardar, also heard of the gang ; but, spite of search, found none of them ; Ujagar Singh of Sangatpura saw Natha Singh, approver, accused 18, and 15 at his *haveli ;* while Suba Singh says accused 97 asked him, at Natha Singh's request, to go on to the Jhar Sahib, but he refused to go.

Chanan Singh, the son of Lal Singh (L. C. C.), gives a long account of how his father was visited by several revolutionaries, including, according to him, accused 4, 18, Chanan Singh (W. B.), Natha Singh, approver, 8, 56, 49, 88, when *ghadr* was discussed, and murders proposed.

These visitors he says left in the morning, that is the day of the gathering at the Jhar Sahib ; all but 18, whose visit was some time prior.

Kesar Singh says he fed a gang of 12 or 16 men, under Natha Singh's leadership, and identifies accused 8 as of the number. The gang told him they were tracking lost cattle.

Arjan Das, *Sadh* (p. 261), deposes to seeing some Sikhs at Bhure with arms, who were fed by Kala Singh (approver) near a well, where he and other *Sadhs* were sitting ; and Balwant Singh, *Granthi* of Kasur (p. 279), proves from his *dharamsala* registers that accused 45 and 56 stopped there on December 1st, saying they had come from Talwandi and Lahore respectively. Accused 56 admits being in that *dharamsala* on that date, but explains he was there in connection with a case. In regard to the note-book P. 1, Natha Singh, approver (p. 100), Sub-Inspector of Police Syad Ijad Hussain (p. 272), Zaildar Khushal Singh (273) and Bura, Lambardar (p. 274), depose to its recovery in Natha Singh's house on 17th July 1915.

Sadhu Singh of Bhure (p. 305) deposes that Lal Singh took him to the Jhar Sahib, apparently on the 26th November, where a crowd was assembled and being fed. He heard seditious speeches and references to looting thanas, but, declining to join, he went away. He identifies accused 4, 5, 35, Sunder Singh W. G., Achhra Singh, approver, as among those there.

Mr. Perrott (P. W. 314) deposes to making enquiries immediately after the gathering, and to being satisfied bodies of armed men had been wandering about, who dispersed in view of the military display made by the police. His

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report P. 177 also explains why these gangs were not brought to book before: *viz.*, the fact that the neighbouring villagers sympathized with them.

A number of the accused have made statements to Magistrates, some of which are confessions, others not technically so.

These statements also show that there was a gathering at Jhar Sahib followed by another at Khairon, and a march to Sarhali.

Bhog Singh (5).

Bogh Singh (5), the *Mahant* at Jhar Sahib, says Lal Singh (L. C. C.), who had previously been inoculating him with sedition, told him Sikhs were going to meet at Jhar Sahib on the 25th November, and asked him to arrange to feed them. On the 25th November he did cook food for a gang of 50 or 60 men, among whom were accused 8, 102, one Ganda Singh of Kamalpur, Chandan Singh (F.M.), 56, 67, Kala Singh, approver, 4, Lal Singh and Natha Singh, approver, and he refers to Chuhar Singh and Natha Singh bringing *roti* to them.

The gathering, he says, discussed the waging of war against Government; and at the end accused 102 was sent with another man to bring men from Doaba for the 27th, when they were all to meet at Khairon mound. The accused did not himself go to Khairon.

Ganda Singh (14).

Ganda Singh, accused 14, states Lal Singh (L. C. C.) took him to the Jhar Sahib, to rise against Government, and from there he went on to Sarhali with a gang of men. He refers to the gang being fed, and states accused 61 and 11 were amongst the armed men at Jhar Sahib. He also states the lot who had been taken to Sarhali were conducted to Khairon by accused 61 and Lal Singh. At Khairon it was decided to attack Sarhali and the party set out for the attack; but accused states he slipped away and went home.

This accused exonerates himself to a very large extent.

Ganda Singh (15).

A long statement was made by Ganda Singh (15) on 10th October to a Magistrate.

This accused stated that he met accused 8, 90, and Natha Singh, approver, at Sur Singh; and from there they all four went to the Jhar Sahib for the gathering, already arranged, calling at Bhure, where they picked up Lal Singh (L. C. C.). At the Jhar Sahib some 60 or 70 men were collected; including Natha Singh, approver, accused 61, 56, Lal Singh, Sunder Singh (W. G.) and Nidhan Singh (L. C. C.), who, accused states, were the real leaders. He says he did not hear all that passed, but they were all told to appear next day at Khairon mound. He went with Natha Singh for the day to Sarhali along with accused 56, 14, 8, 84, 90 and duly arrived with this party at Khairon Here some 40 odd men assembled, including 90, 84, 56, 8, 45, Sunder Singh (W. G.), Lal Singh (L. C. C.), Natha Singh 61, 11, 4 14, 91, Inder Singh (L. C. C.), 67, Jagat Singh (L. C. C.) and Nidhan Singh (L. C. C.).

He states Sunder Singh (W. G.) wrote down a list of the men present; and then they all started for Sarhali thana to loot the rifles there. He tells us that *en route* Natha Singh, approver, accused 61, and Lal Singh (L. C. C.) went to call Dari, who, however, was not allowed to come by his relatives. He also tells us that the projected attack on the thana broke down, and the party dissolved. He refers to going with some men of the party to the river lands, *viz.*, 14, 56, 90, 84, Jagat Singh (L. C. C.), 48 and 45, and then proceeds to give a long detailed account, which it is unnecessary for us to follow, of how he and others wandered about the country for days.

This statement is very similar to that of witnesses already noticed.

Harnam Singh (24).

A short statement was made by Harnam Singh (24), which is in no way inculpatory of himself. He states he was at the Jhar Sahib by chance, and there saw Sunder Singh, W. G., accused 4, 90, 88, Chanan Singh (W. B.) and

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several others. He heard them talking sedition and of taking "trenches" by assault that night, and on this he slipped away, as he had no sympathy with the proposals.

Jassa Singh (35) merely states that he heard there was a meeting at the Jhar Sahib, but he was away at the time, and knows nothing as to what took place. Jassa Singh (35).

A statement was also made by Kesar Singh (45) on 15th September. This accused is a returned emigrant, who came on the Mashima Maru, and belongs to Sur Singh. He tells us he was first asked to go to Jhar Sahib by accused 73, Inder Singh (L. C. C.), Jagat Singh (L. C. C.), and Chanan Singh (W. B.), and then by accused 37 and 93, with whom he went first to Natha Singh, approver. From there he, Natha Singh, approver, accused 37, 93 and Chanan Singh (W. B), went to Bhure to Lal Singh (L. C. C.), where they met Nidhan Singh and Jagat Singh (L. C. C.). The accused does not give any account of the Jhar Sahib meeting, but he says he got orders to go to Khairon mound. Of the gathering at Khairon mound he gives a full account. He mentions Nidhan Singh (L. C. C.), Chanan Singh (W. B.), Jagat Singh (L. C. C.), 93, Lal Singh (L. C. C.), 61, Ganda Singh (15), 56, Sundar Singh W. G., 25, 4, 84, 90, 37, Inder Singh (L. C. C.) 8 and Natha Singh approver, and accused 88 as present there, details the arms the gang had, and says it was decided to attack Sarhali thana to get arms. He also gives the same story of 61, Natha Singh and Lal Singh being detailed on the way to get hold of Dari (11); and tells us that the projected attack was abandoned and the party split up, he going on to Dhun and eventually home. Kesar Singh (45).

The next accused who has made a statement to a Magistrate is Labh Singh (49). He is one of the Waltoha men, and states that accused 88 induced him, accused 56, and others not accused to go to the Jhar Sahib. On the way he mentions meeting the two witnesses Jhanda and Isher Singh. Labh Singh (49).

Arrived at Jhar Sahib, they found Natha Singh (approver), Jagat Singh (L. C. C.), 73, Lal Singh (L. C. C.), 15, 34, Kala Singh, approver, and others, and were told to assemble next day at Khairon. Of those at Khairon he remembers Natha Singh, approver, Jagat Singh (L. C. C.) 73, Lal Singh (L. C. C.), 4, 100, 61, 84, 90, Kala Singh, 15 and 14.

From Khairon they went to Sarhali, though accused states he wanted to get away, but was threatened by Lal Singh; and he gives the same story as to Dari being called *en route*, and as to the abandonment of the project and the dispersal of the gang.

The accused Sultan Shah (84) also made a statement touching this matter. Sultan Shah (84).

He was not at the Jhar Sahib, but states that, while in an intoxicated condition, Sunder Singh (W. G.), Indar Singh (L. C. C.), and accused 90 took him to Khairon mound. There he saw accused 67, 15, Lal Singh (L. C. C.), 34, 56, 4, Chanan Singh (W. B.), 94, Jagat Singh (L. C. C.), 14, 61, and 8 and others, in all some 80 or 100 men. From there, under the leadership of 61 and Lal Singh, they proceeded to Sarhali, to attack the thana there.

He relates the incident of calling Dari, and the reason for abandoning the attack. He went home along with accused 16, 56, 14, 4, and 90.

Sunder Singh (accused 85), one of the returned emigrants, in the course of a long statement to the Magistrate states that at Dudher he heard from 4 and 100 that Sunder Singh (W. G.) was going to a meeting at Jhar Sahib that day. He states that in order to see him, as he says for a perfectly innocent purpose, he went to Jhar Sahib with 100, 4, a Muhammadan and one Jat. At Jhar Sahib he saw Sunder Singh (W. G.), Chanan Singh (W. B.), 8, 88, Harnam Singh (Sialkot), and Lal Singh (L. C. C.). He states that at the Sunder Singh (85)

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Jhar Sahib some sort of attack on Sarhali was mentioned, but then postponed, and he with others was taken by Natha Singh, approver, to Khairon the next day.

Of those at Khairon he remembers Natha Singh, approver, Sunder Singh, approver, Lal Singh (L. J. C.), Chanan Singh (W. B.), 4, Harnam Singh (L. C. C.), 8 and 88. He recalls the listing of those present by Sunder Singh (W. G.) in a pocket book; and, when that was finished, the gang proceeded to Sarhali. He describes the abandonment of the attack, and his own subsequent wanderings with Chanan Singh (W. B.) and others.

Teja Singh (90).

Teja Singh, accused 90, has also made a statement. He stated that, at Wadali Guru, Sunder Singh told him of the forthcoming gathering at the Jhar Sahib to raid police stations for arms. He set out for the Jhar Sahib with Natha Singh (approver), accused 8, 15, all armed, calling at Lal Singh's (L. C. C.) *en route*. At the Jhar Sahib he saw Natha Singh, approver, accused 8, 15, Inder Singh (L. C. C.), Sunder Singh (W. G.), 4, Lal Singh, 11, and 100; and at the end of a consultation he was told to be at Khairon the next night. The next day Sultan Shah (84) came to his house, and after a drunken bout they went together to the mound, knowing beforehand that that meeting was to organize attacks on thanas.

At the Khairon mound he saw Sundar Singh (W. G.), Indar Singh (L. C. C.), 84, 67, Lal Singh (L. C. C.), Natha Singh (approver), 56, 29, 4, 8, 14, Jaggat Singh (L. C. C.), 15, Chanan Singh (W. B.) and 45. It was there decided to attack Sarhali; and accused gives the same story as to the calling of Dari, the fiasco at Sarhali, and the breaking up of the gangs, he being one of the party that went to the low riverain lands, and thence to Dhun, and eventually home; his story of these wanderings being identical with that of Sultan Shah.

Thakur Singh (93).

The last accused who has made a statement before the Magistrate is Thakur Singh (93).

He states Sundar Singh (W. G.) and accused 100 asked him to go to the Jhar Sahib. He went, and among others he mentions as present Lal Singh (L. C. C.) and accused 24, and 37, and he was directed to be at Khairon next day.

He did go and saw 37, 45, Chanan Singh (W. B.), Lal Singh (L. C. C.), Jaggat Singh (L. C. C.) Nidhan Singh (L. C. C.), Natha Singh (approver), Sundar Singh (W. G.), 90, 8, Harnam Singh (L. C. C.), 4, 29, 14. He mentions the arms borne, the roll-call by Sundar Singh (W. G.), the projected attack on Sarhali, the calling of Dari, and the failure and abandonment of the enterprise, and his own subsequent wanderings.

It will assist in seeing how far these various witnesses corroborate each other, and how far the confessions agree with the evidence, if we shew the results in tabular form.

I.—At the Jhar Sahib on 26th November.

No. or name.	Sundar Singh.	Natha Singh.	Kala Singh.	Jagat Singh.	Sadhu Singh.	Bhog Singh (5).	Ganda Singh (14).	Ganda Singh (15).	Harnam Singh (24).	Labh Singh (40).	Sundar Singh (85).	Teja Singh (90).	Thakur Singh (93).
4	×	×	×	—	×	×	—	—	×	—	×	×	—
5	—	×	×	×	×	×	...	...	...	...	...	...	...
7	×	—	×	...	...	...	...	...	...	...	...	...	...
8	×	×	×	×	...	×	...	×	.	...	×	×	...

I.—At the Jhar Sahib on 26th November—concluded.

No. or name.	Sundar Singh.	Natha Singh.	Kala Singh.	Jagat Singh.	Sadhu Singh.	Bhog Singh (5).	Ganda Singh (14).	Ganda Singh (15).	Harnam Singh (24).	Labh Singh (49).	Sundar Singh (85).	Teja Singh (90).	Thakur Singh (93).
11	×	×	×	×	...	...	×	...	...	...	...	×	...
14	×	×	×	...	...	...	...	×	...	...	...	...	...
15	×	×	×	×	...	...	...	×	×	×	...	×	...
24	×	...	×	...	...	...	...	...	×	...	...	...	×
29	×	...	×	...	...	...	...	...	...	...	...	...	...
35	...	×	×	×	×	...	...	...	...	...	...	...	...
37	×	...	...	×	...	...	...	...	...	...	...	...	×
45	×	...	×	×	...	...	...	...	...	...	...	...	...
49	...	...	×	...	...	...	...	...	...	×	...	...	...
55	...	×	×	...	...	...	...	...	...	...	...	...	...
56	×	×	×	×	...	×	...	×	...	×	...	...	...
61	...	...	...	×	...	...	×	...	...	...	...	...	...
67	...	×	×	...	...	×	...	...	...	...	...	...	...
73	×	×	×	...	...	...	...	...	...	×	...	...	...
85	×	...	×	...	...	...	...	...	...	...	×	...	...
88	×	...	×	×	...	...	...	...	×	×	×	...	...
90	×	×	×	×	...	...	...	×	...	...	...	×	...
91	×	...	×	...	...	...	...	...	...	...	...	...	...
93	×	...	×	×	...	...	...	...	...	...	...	...	×
96	×	×	×	...	...	...	...	...	...	...	...	...	...
100	×	×	×	...	...	...	...	...	...	...	×	×	...
Kala Singh, W. B. ...	×	×	×	...	...	...	...	...	...	...	...	...	...
Harnam Singh, L. C. C.	×	...	...	...	...	...	...	...	...	...	×	...	...
Chanan Singh, W. B. ...	×	×	×	×	...	×	...	...	×	...	×	...	...
Jagat Singh, L. C. C. ...	×	×	×	...	...	...	...	×	...	×	...	...	...
Nidhan Singh, L. C. C.	×	...	...	...	...	...	...	×	...	...	...	...	...
Lal Singh, L. C. C. ...	×	×	×	×	×	×	×	×	...	×	×	×	×
Indar Singh, L. C. C. ...	...	×	...	...	...	...	...	×	...	...	...	×	...
Natha Singh, ap. ...	×	×	×	×	×	×	...	×	...	×	×	×	...
Sundar Singh, ap. ...	×	×	×	...	×	...	...	×	×	...	×	×	...
Kala Singh, ap. ...	...	×	×	×	...	×	...	...	...	×	...	...	...

II.—At Khairon Mound on 27th November.

No. or name.	Sundar Singh, W. G.	Natha Singh.	Note-book, P. 1.	Ganda Singh, 14.	Ganda Singh, 15.	Kesar Singh, 45.	Labh Singh, 49.	Sultan Shah, 84.	Sundar Singh, 85.	Teja Singh, 90.	Thakur Singh, 93.
4	×	×	×	...	×	×	×	×	...	×	×
8	×	×	×	...	×	×	...	×	×	×	×
14	×	×	...	×	×	...	×	×	...	×	×
15	×	×	...	...	...	×	×	×	...	×	...
24	×	...	×	...	...	...	...	...	...	...	...
29	×	...	×	...	...	...	...	...	...	×	×
34	×	×	×	...	...	...	×	×	...	...	...
37	×	...	×	...	...	×	...	...	...	...	×
45	×	×	×	...	×	×	...	...	...	×	×
49	×	...	×	...	...	...	×	...	...	...	...

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II.—At Khairon Mound on 27th November—concluded.

No. or name.		Sundar Singh, W. G.	Natha Singh.	Note-book, P. 1.	Ganda Singh, 14.	Ganda Singh, 15.	Kesar Singh, 45.	Labh Singh, 49.	Sultan Shah, 84.	Sundar Singh, 85.	Teja Singh, 90.	Thakur Singh 93.
	55	×	×	×	...	...	...	...	...	...	...	...
	56	×	×	×	...	×	×	...	×	...	×	...
	61	×	×	×	×	×	×	×	×	...	...	...
	67	×	×	×	...	×	...	...	×	...	×	...
	73	×	×	...	...	...	...	×	...	...	...	...
	84	×	×	...	...	×	×	×	×	...	×	...
	85	×	...	×	...	...	...	...	...	×	...	...
	88	×	...	×	...	...	...	...	...	×	...	...
	90	×	×	×	...	×	×	×	×	...	...	×
	91	×	...	...	...	×	...	...	...	...	...	...
	94	×	...	×	...	...	...	...	×	...	...	...
	93	×	...	×	...	...	×	...	...	...	...	×
	96	×	×	×	...	...	...	...	...	...	...	...
	99	×	×	×	...	...	...	...	...	...	...	...
	100	...	×	...	...	...	...	×	...	...	...	...
Harnam Singh (L. C. C.)	...	×	×	...	...	...	...	...	...	×	...	×
Chanan Singh (W. B.)	...	×	×	×	...	...	×	...	×	×	×	×
Jagat Singh (L. C. C.)	...	×	×	×	...	×	×	×	×	...	×	×
Nidhan Singh (L. C. C.)	...	×	×	×	...	×	×	...	...	...	...	×
Lal Singh (L. C. C.)	...	×	×	...	×	×	×	×	×	×	×	×
Indar Singh (L. C. C.)	...	×	×	×	...	×	×	...	×	...	×	...
Kala Singh (W. B.)	...	×	×	...	...	...	...	×	...	...	...	...
Natha Singh (approver)	...	×	×	×	...	×	×	×	...	...	×	×
Sundar Singh, W. G. (approver)	...	×	×	×	...	×	×	...	×	×	×	×

III.—Tabular Statement of convicts in Lahore Conspiracy Case, approvers and accused persons alleged to have been at Jhar Sahib—Khairon—Sarheli between 23rd—27th November 1915.

Jhar Sahib—Khairon—Sarhali 23rd to 27th November.

—		Sunder Singh, W. G.	Natha Singh.	Note-book, P. 1.	Kala Singh.	Jagat Singh.	Kesar Singh.	Ghasita.	Desondhi.	Ishar Singh.	Jhanda.	Ujjal Singh.	Sardar Ali.	Bishan Das.	Piru.	Mahant Devi Das.	Ujagar Singh.	Chanan Singh.	Kesar Singh.	Sadhu Singh.	Bhog Singh (5).	Ganda Singh (14).	Ganda Singh (15).	Harnam Singh (24).	Kesar Singh (45).	Labh Singh (49).	Sultan Shah (84).	Sunder Singh (85).	Teja Singh (90).	Thakur Singh (93).
Balwant Singh (4)	... ...	×	×	×	×	—	—	—	>		—	—	—	—	—	—	—	×	...	×	×	—	×	×	×	×	×	×	×
Bhog Singh (5)	... ...	—	×	—	×	×	...	...	...	...	...	...	×	...	...	...	...	...	...	×	×	...	...	...	...	...	...	...	...	...
Bishan Singh (7)	... ...	×	—	—	×	...	...	...	...	...	...	...	—	...	...	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Budha Singh (8)	... ...	×	×	×	×	×	...	...	...	...	...	...	...	...	...	×	×	×	×	...	×	...	×	...	×	...	×	×	×	×
Dari (11) ...	... ...	×	×	—	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...	—	×	×	...	...	...	...	...	×	...
Ganda Singh (14)	... ...	×	×	—	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	×	×	...	...	×	×	...	×	×
Ganda Singh (15)	... ...	×	×	—	×	×	×	×	...	...	...	...	×	...	...	×	×	...	...	...	...	...	×	...	×	×	×	...	×	...
Harnam Singh (24)	... ...	×	—	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	×	...	...	...	...	...	...	×
Ijaib Singh (29)	... ...	×	—	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	×	×

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Jhar Sahib—Khairon—Sarhali, 23rd to 27th November—concluded.

	Sundar Singh, W. G.	Natha Singh.	Note-book, P. I.	Kala Singh.	Jagat Singh.	Kesar Singh.	Ghasita.	Dasondhi.	Ishar Singh.	Jhanda.	Ijaib Singh.	Sardar Ali.	Bishan Das.	Piru.	Mahant Devi Das.	Ujagar Singh.	Channan Singh.	Kesar Singh.	Sadhu Singh.	Bhog Singh (5)	Gauda Singh (14).	Gazda Singh (15).	Harnam Singh (24).	Kesar Singh (45).	Labh Singh (49).	Sultan Shah (84).	Sunder Singh (85).	Teja Singh (90).	Thakur Singh (93).
Jammu (34)	×	×	×	..	...		...	...	×	×	×	...	..	...		...	...		...	...	...	...	...	...	×	×	×	...	...
Jassa Singh (35)	×	×	...	×	×	...	...	...	...	...	...	×	...	...		...	...		×	...	...	...	...	...	...	...	...	...	...
Jindar Singh (37)	×	×	×	×	×	...	...	.	.	...	...	...	...	...		...	...		...	...	...	...	×	...	...	...	...	×
Kesar Singh (45)	×	×	×	×	×	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	×	—	—	—	—	—	—	—	×
Labh Singh (49)	×	×	×	×	..	..	...	...	×	×	×	...	...	...	...	×	...		...	...	...	...	...	...	×	...	...	...	...
Mangal Singh (55)	×	×	×	×	..	..	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	...	...	...	...	...	...
Mangal Singh (56)	×	×	×	×	×	...	...	...	×	×	×	...	...	...	...	×	...		×	...	×	...	...	×	×	×	...	×	...
Natha Singh (61)	×	×	×	×	×	...	...	...	...	...	...	×	...	...	...	...	...		...	×	×	...	...	×	×	×	...	×	...
Sadhu Singh (73)	×	×	...	×	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	...	×	...	...	...	...
Sultan Shah (84)	×	×	...	×	..	..	...	...	...	...	...	...	...	×	...	...	...		...	...	×	...	...	×	×	×	...	×	...
Sundar Singh (85)	×	...	×	×	.	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	...	×	...	...	...	...
Suja Singh (88)	×	...	×	×	×	...	...	...	×	×	×	...	...	.	...	×	...		...	...	...	×	×	×	...	×	...	...	...
Teja Singh (90)	×	×	×	×	×	...	...	...	...	...	...	...	...	...	...	...	...		...	...	×	...	×	×	×	...	×	×	...
Teja Singh (91)	×	...	...	×	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	×	...	...	...	...	...	...	...	...
Thakur Singh (93)	×	...	×	×	×	..	...	...	...	.	...	...	...	...	...	...	...		...	...	...	...	×	...	...	...	...	...	×
Thakur Singh (94)	×	×	×	...	...	...	...	...	×	×	×	...	...	...	...	...	...		...	...	...	...	...	...	×	...	...	...	...
Udham Singh (96)	×	×	×	×	...	...	...	...	-	...	...	...	...	...	...	...	...		...	...	...	...	...	...	...	...	...	...	...
Wasakha Singh (100)	×	×	...	×	...	...	...	...	...	...	...	...	...	.	...	...	...		...	...	...	...	...	×	...	×	×	...	...
Prem Singh (67)	×	×	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...		×	...	×	...	...	...	×	...	×	...	...
Natha Singh (sp.)	×	×	×	×	×	...	...	...	...	...	...	×	...	...	×	×	×	×	×	...	×	...	×	×	×	×	×	×	×
Sundar Singh W. G. (sp.) ...	×	×	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...		×	...	×	×	×	...	×	×	×	×	×
Kala Singh (sp.)	×	×	...	×	×	...	...	...	...	...	...	×	...	...	...	...	...		×	...	...	...	...	×	...	...	...	...	...
Kath Singh (W. B.)	×	×	...	×	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	×	...	...	...	...	...
Chanan Singh (W. B.)	×	×	×	×	×	...	...	...	...	...	...	...	...	...	...	×	...		×	...	...	×	×	...	×	×	×	×	×
Harnam Singh (L. C. C.) ...	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	...	...	...	...	...	×	...	×	×
Jagat Singh (L. C. C.) ...	×	×	×	×	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	×	...	×	×	×	...	×	×	×
Nidhan Singh (L. C. C.) ...	×	...	×	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...	×	...	×	...	...	...	...	...	×
Lal Singh (L. C. C.)	×	×	...	×	×	...	...	...	...	...	...	×	...	...	...	×	...	×	×	×	...	...	×	×	×	×	×	×	×
Indar Singh (L. C. C.)	×	×	×	...	...	...	...	...	...	...	...	×	...	...	...	...	...		...	...	...	...	×	...	×	...	×	...	...

There can be no question that this assemblage did take place.

We find also that the assembly was a definite array in arms, met for the express purpose of war against the King, in conjunction with mutineers; and that, having so met, the array moved in arms with the object of attacking the Sarhali thana, and then of proceeding on Tarn Taran and elsewhere.

We might at this point have referred to various gatherings in Ludhiana and other villages; but we refrain from doing so as such meetings will fall into place more appropriately in later parts of our Judgment.

III. ACTIVITIES OF THE REVOLUTIONISTS.

(1). THE MOVEMENTS OF MARAUDING GANGS.

We have nothing to add in this connection to what we observed in our Judgment in the first case.

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Jawala Singh and Nawab Khan give the same evidence as before; and Nawab Khan is now corroborated by the evidence of Babu Shah, who identifies accused 17 as a visitor to the *Khangah* at Halwara; and Hira Singh (P. 303) deposes to seeing Nawab Khan, accused 17, Kartar Singh (L. C. C.), and accused 21 visiting accused 36 at Mange Kalan.

We see no reason to alter the view we have already held in the previous case, *viz.*, that in November certain marauding gangs of revolutionists were organized for crime in pursuit of the insurrection.

(2).—THE SEDUCTION OF STUDENTS.

The *Gadr* policy.

We saw in the first case how the seduction of students was a policy advocated by the *Ghadr*. That advocacy is also in evidence in this case.

Lohatbadi.

We saw also that Ichra Singh told one of the principal revolutionists that Randhir Singh (the present accused 69), was the sort of man to find students; and he now tells us that Buta Singh (hanged) asked him to enquire from accused 69 if he could nominate anyone to go to the United States of America, and accused 69 said a boy with him (Sundar Singh) was the kind wanted; and the conditions on which he could be sent to the States were expressly explained to the boy.

Ludhiana.

The evidence we had as to the seduction of students in Ludhiana, previously given by Sucha Singh, Jaimal Singh, and Sher Muhammad, has been repeated now, and the then absconding student Sajjan Singh is now in the dock before us.

In the present case we have evidence additional to that then discussed, which bears out the evidence then given.

Anokh Singh, approver, was a student in the Khalsa School at Ludhiana, and lived with Sajjan Singh (74). He tells us that in December 1914, Kirpal Singh (L. C. C.) gave him a *Ghadr-di-gunj* (which he and accused 74 read with evil results) and later brought Nidhan Singh (L. C. C.) to them. The ridiculous story told them by Nidhan Singh is illustrative of how easily these students were seduced.

He says Nidhan Singh told him 500 or 600 men had returned from America to start *ghadr*; that more were coming, the army had been seduced, and a rising would soon take place simultaneously throughout India and the Straits. Studies should be dropped as they only taught slavery. All students who helped were to be given high office; and the rising would be inaugurated by the arrival of the leaders from foreign countries in aeroplanes, and the new State would crown Har Dial as King.

Some 10 or 12 days later Nidhan Singh (L. C. C.), Ram Rakha (L. C. C.) and accused 36, and Kartar Singh (L. C. C.) also came, and advised students to leave school and join the movement.

Udham Singh Hans.

The infatuated youth, like others of his class, became an active criminal.

It will be remembered that in the Lahore Conspiracy Case we cited very briefly the case of Udham Singh of Hans as an instance of a student being seduced into a life of crime.

He has now given us very full account (p. 195) as to how he was so seduced.

This youth in 1913 essayed to go to America; but was rejected by the emigration authorities at Naples apparently on the ground of an eye-affection and he returned home. In December 1914 he says he met Uttam Singh (98) of his own village, who had himself recently returned from America. He started to seduce the witness by expatiating on the grievances of Indian students; and told him all their troubles would be ended when the returned emigrants got rid of the British. Some time after in January witness had occasion to go to Ludhiana, where he says he met Sajjan Singh (74), who enquired about returned emigrants in Hans, and took him to the Islamia Boarding House, which had then become the meeting place of the revolutionists there, and introduced him to Mathra Singh (L. C. C.), Kartar Singh (L. C. C.), Arjan Singh the Anarkali murderer, Sucha Singh, approver, accused

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36 and some other students, including Surti Singh and Sher Muhammad. On return to his village, he says Uttam Singh told him he had asked Sajjan Singh to introduce him to the revolutionary heads; and further spoke seditiously to him, telling him a date for the rising would be fixed. He was then introduced to Nand Singh (L. C. C.), and later to Ichra Singh of Lohatbadi; and Uttam Singh told him that Ichar Singh could always give his address, and from this point on he became an active revolutionist.

After the Jhaner and Rabhon dacoities, during which period he was mostly at Lohatbadi he states he and accused 98 went to Ludhiana, thence to find one Partab Singh, a returned emigrant, at Sri Shankar, and subsequently to Jullundur. Here the witness tells us Uttam Singh tried in vain to seduce one Narbhai Singh, a student, and Narbhai Singh (p. 225) corroborates this attempt, and adds that the attempt was made on a number of boys.

Other students who were seduced, and become seducers themselves, are dealt with in the next paragraph. It is sufficient for us to note here that the seduction of students was carried into effect on all possible occasions.

(3).—The seduction of villagers.

In our Judgment in the first Conspiracy Case we referred to a few proved instances, showing how some villagers were approached by revolutionists.

In this case we have a number of new cases in evidence; and they serve to illustrate the methods adopted to disturb otherwise contented peasants.

What we have to say in this section cannot cover all cases of seduction of villagers; all we profess to show are the methods alleged to have been adopted in particular instances; and, as we proceed, it will become abundantly apparent that villagers were seduced; partly by the wildest and most extravagant falsehoods to the effect that Government was entering on a policy of interfering with religious practices, combined with fantastic stories of the impending collapse of British rule owing to the war, and the establishment of Sikh rule in its place.

Some who threw in their lot with the revolutionists were influenced by fanatical excitement; some by cupidity and hopes of loot; and possibly some came in fearing that, if they did not, they would be left behind, when the revolutionists succeeded in their objects.

Sunder Singh (W. G.) (p. 78) tells us that after the Nankana fair early in November, the revolutionists, there assembled, determined on gaining adherents among villagers. He says Harnam Singh (24) and Thakur Singh (93) went off to Lyallpur to lecture on seditious topics in the Colony; and he himself went a little later to Dadher to urge on Wasakha Singh (100), the necessity of preparing his villagers for the rising; and he tells us also he met Harnam Singh (24) and Thakur Singh (93) shortly after, and they told him they had recruited a number of villagers in the Bar, and thence they proceeded to Tarn Taran for the Masia fair, with the intention of preaching to villagers *en route*.

We will, however, gain a clearer insight into the methods adopted by considering the cases of villagers actually seduced,—*i.e.*, cases of witnesses before us, who describe how they were influenced and tried to influence others.

Natha Singh.

Natha Singh (Mahant), p. 92, who became an important helper in the Jhar Sahib affair, tells us Budha Singh (8) and Chanan Singh (W.B.) visited his village in October, dilated on the Budge Budge affair, and told him Sikhs had returned from China and America for *ghadr*, and that they intended raiding thanas and treasuries to get arms and money. The witness was got round, and promised to join; and was told he would be informed of the date of the rising after a "committee" in Amritsar.

He also says that, after that, these men again came to him, told him Natha Singh (61) was ready with a large gang, and got his (witness'), promise to raise a gang himself. He was kept up to the mark by a visit from Jagat

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Singh (L. C. C.); and later by another visit from the same Jagat Singh, Chanan Singh (W. B.) and accused 8 and 73, who discussed *ghadr* with him, and told him they had obtained recruits elsewhere, and were going on to Padri to get more.

From being a person to be seduced, he had now become an active seducer himself; and he tells us that, before attending a gathering at Amavas in Tarn Taran, he, with accused 8, 15 and one Dharam Singh, paid visits to Bhure to urge people to be ready, preaching revolution when they got a chance. He tells us of a conversation with Kala Singh, whom he tried to seduce, and how he visited Tarn Taran at Amavas, meeting there accused 8, 15 and 73, with whom he discussed *ghadr*; and then gives us an account of how the Jhar Sahib gathering originated, and came to nothing.

With the Sarhali affair ending in a fiasco, both Sunder Singh (W. G.) and Natha Singh seem to have had enough of the *ghadr* movement; but there were constant efforts by the leaders to rake them in for further action. Sunder Singh (W. G.) says he was visited by Kala Singh (W. B.), Harnam Singh (L. C. C.), Chanan Singh (W. B.), accused 57 and 67; and he saw Mula Singh at Amritsar. Efforts were made to drag him into the Chabba dacoity; and he was threatened with murder by Chanan Singh (W. B.), Kale Singh (W. B.) and accused 67, if he did not help. Natha Singh says he was visited by Harnam Singh (L. C. C.), Udham Singh (96), Budha Singh (8), Chanan Singh (W. B.), Kala Singh (W. B.) and Prem Singh (67), but he refused to continue his activities.

Kala Singh.

Kala Singh (approver), who was apparently a contented and satisfied pensioner, until misled by some of the returned emigrants, tells us he was first tackled by Budha Singh (8) and Natha Singh (*Mahant*), himself a resent acquisition to the *Ghadr* party, a few days after *Dewali*. Natha Singh asked him to join in a rising against the British; but he declined at first, until he was again tackled by these men, accused 4 and Lal Singh (L. C. C.), when he consented to join through fear—he tells us candidly that he joined, as he feared he would be murdered if he refused to do so, or gave information of what was going on.

He also tells us how men were sent out to collect others to join in the Jhar Sahib gathering. Banta Singh said 30 or 40 men were coming in from Dadhir; Lal Singh that he had got 12 or 13 and was getting more; while Chanan Singh (W. B.) said he was out for more.

He tells us also Natha Singh told him, in asking him to join, that several men were coming from Canada to start *ghadr*; and some days after, when he went to the Jhar Sahib, he found a gathering there talking *ghadr*.

Bhure.

Closely connected with this centre of sedition—Bhure and the Jhar Sahib—is Chanan Singh, son of Lal Singh (L. C. C.), who describes (p. 270) how his father was seduced, by readings from the *Ghadr* and by discussions as to the overthrow of the British and the establishment of a Sikh Government.

Bhog Singh (5)

Bhog Singh (accused 5), in his magisterial confession stated that shortly after *Dewali* Lal Singh (L. C. C.), Gujar Singh (18) and others visited the Jhar Sahib, of which he is *Mahant*, and asked him to join in an agitation over the Rikab Gang matter, and the supply of water to the Darbar Sahib, and made some references to the *Komagata Maru*.

He was then visited by Lal Singh (L. C. C.), Natha Singh (approver) and Budha Singh (8), and told there would be a meeting of Sikhs at the Jhar Sahib. Five days after, Lal Singh (L. C. C.), Kala Singh (approver) and accused 4, came bringing a *Ghadr*, which was read out; and a decision come to, to carry out whatever was decided at the Jhar Sahib, even if it involved fighting.

Sundar Singh, A. M.

A very interesting account is given by Sundar Singh (Asa Majre) as to how he was seduced; an account which is probably representative of how many Sikh religious enthusiasts were worked upon, until they were led into a career of desperate crime.

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He is an old cavalry man, who after service settled down, eventually buying land in Asa Majre. He joined the Tat Khalsa, and was one of the original founders of the girls' school at Lohatbadi, of which Ichra Singh was a prominent organiser, and which was afterwards used as the head-quarters of the revolutionaries acting from that centre. Karm Singh (41) he says, was one of the active participators in founding the school also.

As one of the heads of the Sikhs in Lohatbadi, witness attended a conference at Jullundur ; where the affair at Rikabganj was discussed, and one Harchand Singh proposed a resolution which was not adopted. Some days after, Karm Singh (41) came to him, and told him Harchand Singh was working to get some resolution sent on to the Viceroy ; and suggested they should attend a Sikh meeting at Lohatbadi about it. Thither they went, and there he says he met, at a meeting, Ichhra Singh, accused 69, 41, 77, 10, 54, 3, 68 and others.

Resolutions about the Rikabgang affair were passed ; and other matters of interest to Sikhs were discussed.

Now this meeting was undoubtedly not seditious ; but it does show how the men there were labouring under a very grievous misapprehension as to what had happened in regard to the Rikabgang *Gurdwara*, and we have no doubt that they were led to think that it was a part of Government policy to interfere with the religious feelings of its subjects. The seed was thus sown for discontent.

Two months later there was another similar meeting at Khanna at the house of Indar Singh attended by witness, accused 41, 10, 69, 3, 77, 31, 54, 68 and others. Similar resolutions were passed, but feeling was now running higher ; for witness states that Randhir Singh (69) spoke strongly, and said the British *Raj* would soon come to an end, as it was interfering with religious institutions.

On the 7th *Poh* witness went to the Chamkaur Sahib near Rupar, where he says were accused 41, 31, 42, 69, 77, 3, 10, Teja Singh (witness), 68, 54 and others. There he asserts Randhir Singh (69), told them a committee had been formed, which had decided, after consulting the *Granth Sahib*, to "become martyrs" if the Rikabganj were destroyed, and also told them that two men of the *ghadr* party had been to him to get men to join in the coming revolt, and that arms were coming from Bengal ; and it was arranged to meet these men at Sirhind. These men did not, however, turn up at the appointed place ; and witness went back to Lohatbadi. There Ichra Singh, approver, spoke of the *ghadr* movement, and how *Komagata Maru* men had been in the neighbourhood ; and how Hardial, Bhagwan Singh and Ajit Singh were arranging for a mutiny to expel the British, and would supply arms ; and witness was induced to join in the revolutionary movement. Witness proceeded to start collecting arms, and a few days later he was visited by Ichra Singh again. Ichra Singh said he had seen Ganda Singh (17), who told him of the Ferozeshahr murder ; and Ichra Singh further said the revolution was coming soon, and that, under cover of the school, they could help. Witness says Ichra Singh and he went to Patiala ; and, meeting accused 31 and 42, talked revolution to them. From this time on the witness was one of the main helpers in this part of the country, procuring arms, committing dacoities, making bombs, and joining in the party that went down to Ferozepore, to attack the arsenal there on the 19th February.

It is a typical case of a person, originally a respectable citizen, being made a criminal through his religious susceptibilities being worked upon.

We saw in the Lahore Conspiracy Case how Lohatbadi became a centre for revolutionists, and how Ichra Singh was seduced by representations that Government was antagonistic to the Sikh religion. It is unnecessary to trace his case again, all that it is necessary for us to mention here is that he was a friend of Randhir Singh (69), with whom he was in constant communication.

Another person who asserts he was seduced into a life of crime by Randhir Singh (69) is Bhagat Singh ; and, having been seduced, he became an active instrument in seducing others. Bhagat Singh.

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He tells us (p. 168) that after the Rikabganj affair, Randhir Singh (69) got hold of him; spoke of that matter as an affair of great tyranny; and asked him to devote his oratorical efforts to inducing people to turn against Government, and drive the British out of India. He states he began lecturing, asserting Government was destroying shrines; and that Indians in revenge should destroy churches, police stations, collect arms, and commit dacoities, each and everyone of which is a panacea recommended by the *Ghadr* newspaper.

After the *Komagatu Maru's* return he says that Randhir Singh told him the passengers had been shot down, and oppression was increasing; and, when war broke out, he started spreading the falsehood that Indian troops were being placed in the front while British troops were kept in the rear, and told him also they should await the return of the emigrants, who were coming home, and then rise.

This youth entered heartily into the propagation of sedition. He first obtained a certificate (P. 42) and railway pass (P. 43) from a young recruiting officer, by representing to the latter he was anxious to help Government in getting recruits; and armed with this, he toured through Rampur, Malaudh, Raipur, Gujarwal and Narangwal.

In his wanderings he says he got into touch with Harnam Singh (23) and found he too was a revolutionist; and he then came across accused 58 and Channan Singh (W. B.) at accused 69's house, finding they too were disaffected.

He was in Lohatbadi on the 18th February, where he heard of the projected Ferozepore raid. He joined in this raid, and the abortive attack on the Doraha bridge; and, after these failures, started preaching sedition once more.

The witness kept a diary of his movements from 26th February, making entries therein from memory from 12th February.

After the Doraha fiasco, he says he went to Jagraon, where he tried to seduce one Isher Singh.

He tells us he himself seduced Arjan Singh (2) at the end of February; and visited Daudher, where he met accused (9); and at Dhudike was made acquainted with other revolutionists.

He says he discussed making bombs with accused (53) and (65) and went with accused (2) to Jagraon.

He visited Ahmadgarh, promised one Chanan Singh to introduce him to alleged revolutionists at Dhudike; and eventually he went to Dhudher, Rumi and Gurusur Kaunke.

He says he attended a fair at Kili on the 19th March with accused (2), where both delivered inflammatory speeches and recited verses at a *Singh Sabha*, to the effect that the British Government was oppressing India, that churches should be burnt, and the British extirpated: speeches which were terminated by the Secretary of the local *Singh Sabha*.

From Kili he states they went to Talwandi and Ghalib; and here again Arjan Singh (2) gave a seditious speech. From Ghalib they passed through Daudher, Ajitwal, Kaunke and Kili; and an attempt to preach at a *path* at Kaleron failed. A short solitary journey followed, in the course of which witness tried to seduce one Nand Singh at Dhat. Eventually the witness' father got hold of him, and put a stop to his activities.

This long account is corroborated by the witness' diary, and by evidence as to particular instances.

Bachan Singh.

Bachan Singh (p. 187) tells us he heard the speeches and recitations at the Kili fair by Bhagat Singh and Arjan Singh (2), in which reference was made to expelling the British, to the Rikabganj and other supposed grievances, the speaker telling those who wanted arms to come to him.

The speeches at the Kili fair are also testified to by Harnam Singh (p. 223). He heard Arjan Singh (2) and Bhagat Singh; the burden of the speeches being heavy revenue, the Rikabganj affair, and the pay of sepoys; while

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a song urging the murder of Europeans was recited. The speakers were abruptly stopped by some of the villagers, who had no wish to listen to them.

Similar evidence as to this incident is given by Nihal Singh (p. 224), and this villager says the burden of the speeches was *Maro Farnighi.* Nihal Singh.

Arjan Singh, approver (p. (200), tells us that Arjan Singh (2) and Bhagat Singh told him they had preached sedition at Kili; while Nand Singh says he heard from Arjan Singh (approver), and accused (9) that Arjan Singh (2) had preached sedition at that fair; and Mahindar Singh (accused 53) in his confession said he heard of the performance, and he advised other revolutionists not to trust such rash persons further. Arjan Singh.

Isher Singh (p. 222) and Nand Singh (p. 222) tell us Bhagat Singh did ask them to join in revolution, and murder; and Santa Singh (p. 224) deposes that Bhagat Singh came, trying to seduce him, having been told of him by accused (53), whom he had known in Hong Kong. Miscellaneous witnesses.

Bhola Singh testifies to Arjan Singh (2) and Bhagat Singh making seditious speeches at a *bhoj* at Rumi.

Another particular case is that of Arjan Singh, approver (p. 199), who had been to some extent inoculated with seditious ideas in Penang, and who came home in January 1915 in company with Chanda Singh (9). Arjan Singh.

Some time after arriving home, he states he met Arjan Singh (2), who asked what the Sikhs were going to do in order to restore the Rikabganj *Gurdwara.* Witness told Arjan Singh men were returning from Canada, who would restore it to its original condition.

Some days later, he asserts, Isher Singh (32) came to him with Rur Singh (L. C. C.), and asked him to join in "national work;" specifying the commission of dacoities, and the purchase of arms for a revolution; and he agreed to help, except in committing dacoities. He tells us that, some time in February, Bhagat Singh, approver, came to him, whom he introduced to Chanda Singh (9), who also agreed to join; and afterwards to Phera Singh (65) at Dhudike.

Later he says accused 53 and 65 came to him at Jagraon, spoke about the aims of the *Ghadr* party; and later still accused 232 and 98 paid him visits and talked seditiously.

Nand Singh, approver (p. 236), who had been in Penang, came home in February 1915, and he states Arjan Singh (approver) and Chanda Singh (9) asked him to join the revolutionary party. He refers to a number of seditious interviews with Arjan Singh, approver, Bhagat Singh, accused 2, 53, 65, 32, Banta Singh (W. B.) and 64. Nand Singh.

He promised to join in the Kapurthala raid, which, however, he did not do.

Another person actually seduced is Bachan Singh of Dhudike (p. 187). He had been in Hong Kong; but returned 5 or 6 years ago; that is, before the *Ghadr* movement commenced. In *Maghar* or *Poh* his relative Pakhar Singh (62) came home from the States, and witness says he visited him with accused 32, reading to him extracts from the *Ghadr-di-Gunj*, telling him the British were oppressive, and should be expelled from India. He told him of the strength of the party, and the arms they possessed; whereon the witness became an active revolutionist. He tells us of frequent visits to his village by accused 2, 32, 70, 98, 36, Banta Singh (W. B.), Bhagat Singh (approver), Kapur Singh, Buta Singh (hanged), 53 and 65 to see 62, and of constant discussions about mutiny and expelling the British. Bachan Singh.

This witness was so far led away as to join in the proposed raid on the Kapurthala treasury in June; and in the Walla Bridge murders.

Amar Singh II, approver (p. 240), also tells us how he came to take an active part in revolution. He returned from America, and states that in December 1914 accused 36 came to him, told him *ghadr* was about to start, expatiated on *Komagata Maru* grievances; and informed him men were Amar Singh.

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returning from America for mutiny. The witness at first declined to join, as he was wanted to commit dacoities. In May, however, Jawand Singh (36) looked him up again, and told him the revolution was about to take place, under the directions of Hardial ; that the army was ready to join ; and on being told arms were coming, he promised to help, and eventually took part in the Kapurthala raid.

Miscellaneous witnesses.

We have also in addition to the approvers two other witnesses whose names it suffices to mention *viz.*, Ujagar Singh of Thattha Khari (p. 232) and Kundan Singh (p. 257).

Having dealt with the stories of those who have told us how they were seduced, and who seduced others, we may turn for a moment to a more general matter ; *viz.* the alleged propagation of sedition in particular villages.

In Dhudike.

The first village we may refer to is Dhudike. To this village the accused 32, 53, 62, 63, 64, 80 belong ; and accused 65 is the local school master.

It was in Dhudike that the plot to raid Kapurthala was hatched.

Bhagat Singh (p. 171), Bachan Singh (approver), Arjan Singh (approver), Narain Singh (p. 229) and Narain Singh II, testify to a seditious propaganda in Dhudike in considerable detail, and their evidence is supported by the confessional statements of accused 53, 62 and 80.

We are satisfied as to the existence of a gang at Dhudike ; and the dangerous nature of it will be apparent when we consider the Kapurthala raid, and the Walla Bridge murders.

In Sur Singh.

In the Lahore Conspiracy Case we saw that Sur Singh supplied many accused. In this case accused 8, 15, 16, 27, 45, 55, 67 and 73 are residents of that village. Khushal Singh, the Zaildar (p. 273), tells us accused 61 lived last winter in Sur Singh, and there busied himself in preaching that the Germans were coming, and the British *Raj* coming to an end ; and advised people not to pay revenue. The advice was so far followed that the witness had, for the being, to make up the revenue himself.

In Kakar.

A detailed account is given us by Fauja Singh (p. 260) of alleged efforts to seduce villagers in Mauza Kakar by accused 16 and 22. Witness promptly told Kishen Singh and Sadhu Singh.

Teja Singh of Kakar (p. 260) gives similar evidence, and Kishen Singh, Lambardar (p. 278) and Sadhu Singh reported in the Thana. This report P. 97 A, which Sub-Inspector of Police Syed Ahmad Khan (p. 259) deposes to recording, ended in the arrest of accused 16 and 22 on 24th November 1914 and their internment.

In Thikriwala.

We may refer to another village, Mauza Thikriwala (Gurdaspur).

Sohan Lal (p. 280) tells us constant meetings were held in the village in December 1914, and seditious pamphlets read.

Karm Chand, Kaku, Tahl Singh and Gokal Chand give evidence of a similar character ; and Jhanda Singh, who admits he was an active seditionist, states these seditious gatherings took place at his house, and in the course thereof references to the coming of Germans were made, and *Ghadrs* recited.

Only one accused is directly implicated in this evidence, and we will consider in the individual cases, the arguments of defence counsel in regard to him.

These revolutionists helped the cause by committing dacoities in the Gurdaspur District, which have been disposed of by the regular courts.

In Gujarwal.

The last village we need refer to is Gujarwal.

Sundar Singh A. M. (p. 157) tells us that, at the beginning of February Teja Singh of Samrala came to him with a letter from accused 69 asking him, accused 41, 17, 98, and other *desh bhagats* to go to Gujarwal. They all went there, going first to the house of the brother of accused 33. At that house they

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met accused 33, 69, 3, 23, 10, 68, 54, 50, 58, 77 and others, a hundred in all. There was an *Akhand path*—the prosecution date being 14th February 1916—and after it was over, witness says, accused 69 held a secret meeting on the roof, which was attended by accused 69, 50, 3, 31, 41, 17, 98, 58, 23, 33, witness, and a few others.

Accused 69 opened proceedings by saying the time for action had come, and the troops were ready to rise. He made a small collection; and stated the date for the rising would be communicated shortly.

Witness says accused 98 told them of arms procurable, and that the men present agreed to join in the rising. The following day they heard of the arrest of Ichra Singh, and Narain Singh at Lohatbadi.

Gurbachan Singh (p. 217) testifies to being at the *Akhand path* at Gujarwal; but gives no evidence in regard to the secret meeting that followed.

Chanan Singh (p. 217) states he also attended the *Akhand path* at accused 33's house, where he saw accused 78, 69, 23, 59 and others. He was turned out after the *bhog;* and thereafter he says accused 69 spoke to him, representing that Government was oppressive, and the opportunity of the war should be seized to rise against Government. As the witness was an employer of labour, he was asked to help with men. He says he reported to the police by anonymous letter; and also told Chanan Singh of Saraba, who made a note of the names. Defence counsel argues that the evidence is unreliable on the ground of enmity,—a contention we will deal with in the individual case. He identifies 33, 78, 69, 19, and 23 and mentions 59 and 89, as visitors to accused 33.

Chanan Singh of Saraba (p. 219) corroborates being told by the last witness the names of certain people, who were working against Government. He was assisting the police; and on being told these names, he wrote them down in his pocket-book P. 45, and reported to the police. The names in P. 45 are those of 78, 33, 23, Jagat Singh (L. C. C.), and others not before us.

Bagga Singh (p. 218) a lso says he attended the *Akhand path* at 33's house, and after *bhog*, there was a meeting on the roof of some 15 or 16 men, including 78, 33, 69, and 59. He says he overheard 69 asking those present if they were ready to help against the British.

The defence admits that there was an *Akhand path* at Gujarwal, but the contention is that this gathering was not on the 14th February, but on the *Basant Panchmi, i.e.*, the 20th January. This date corresponds with the 8th *Magh*, the date on which the accused 69 is alleged by the Crown to have been at Lohatbadi. So, if the defence be good, it serves a double purpose,—*viz.*, it absolves accused 69 of being present at Lohatbadi on 8th *Magh*, and shows there was no seditious meeting at Gujarwal on 14th February.

To establish this important difference as to date, the defence rely particularly on P. 27, a letter purporting to have been written by accused 69 to accused 33. It purports to be written from Mema Singhwala on the 13th January, fixing the *bhog* for the 20th January at 33's house; and witness D. W. 815 is produced to say that it was at Mema Singhwala, the date for the Gujarwal meeting was fixed and D. W.'s 794-798 and D. W. 920 are produced to state briefly they were present at this *bhog* on 20th January.

We are not impressed with the letter nor with another letter P. 41, purporting to be written from Gujarwal on 20th January 1915, nor with the witnesses for the defence on the matter, and though in the individual cases we may consider the presence of particular accused at Gujarwal on the 14th February is not beyond doubt we are satisfied that this *Akhand path* and *bhog* took place actually on the 14th February.

We will see later, in dealing with the Ferozepore raid, that a number of the persons officiating at this Gujarwal *Akhand path* went on to Dhundari for the 17th February.

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We have seen now sufficiently the methods adopted to disturb villagers, ordinarily contented with their lot; and to induce them, by false representations, to throw their lot in with murderers and revolutionists.

(4) The seduction of troops.

The *Ghadr* paper.

In our Judgment in the Lahore Conspiracy Case we showed that the seduction of troops was placed in the forefront of the programme of the revolutionists by the *Ghadr* newspaper. That evidence is before us in this case again; and we need say no more now than that the organizers of this revolutionary movement looked for success to the troops in India.

En route to India.

We have also repeated, in substance, the evidence of Mula Singh, Nawab Khan, Jawala Singh and Amar Singh as to this being one of the objects with which the revolutionists left America.

To this we may add the evidence of Balwant Singh (p. 140), who tells us that on the *Mashima Maru*, Nidhan Singh (L. C. C.), Hari Singh, and others made the returning revolutionists swear to seduce Indian troops.

We have also the evidence of Jawala Singh, Amar Singh and Nawab Khan, as to efforts to seduce troops in British settlements in the Far East; and, when we come to consider the seduction in specific regiments, we will ascertain what methods were adopted, and how far these efforts were successful.

Discussions in India.

We have also the evidence of Amar Singh, Mula Singh, and Nawab Khan as to the discussions in India.

We need only add to this the fresh evidence of Udham Singh of Hans (p. 195), who states he heard from Uttam Singh (98) that it was part of the programme of the revolutionists to seduce troops.

It is when we come to consider the efforts to seduce in India, that we find ourselves confronted with a mass of additional evidence; which shows that the gravity of the efforts, and success achieved, was greater even than we were aware of in the Lahore Conspiracy Case.

The 23rd Cavalry.

We were not acquainted in that case with all that took place in the 23rd Cavalry at Lahore Cantonments; and this is particularly the case in regard to what happened in November.

It is now our duty to consider the evidence regarding the seduction of several men in the 23rd Cavalry; some of whom have been executed after trial by Court Martial, and some of whom are at present before us.

There are three main incidents connected with this regiment, over and above the means adopted to seduce men; and with these, though historically connected, we will deal separately at as short a length as is consistent with clarity.

(a) The regiment and the Jhar Sahib.

These events are the connection of sowars of the regiment with the affair at the Jhar Sahib; the proposed rising of the 19th February; and the bombs at Nowgong.

In the section dealing with the Jhar Sahib affair, we have seen that sowars were expected to join; and we have now to find out why they were expected.

In regard to this matter one of the most important witnesses is Mul Chand, erstwhile the *granthi* of the 23rd Cavalry. This witness states that in 1914 he found a good deal of disaffection in the regiment, due to the returned *Komagata* men having been preaching in the villages, from which the regiment drew a number of sowars. Letters, he says, were received also from America; and wild stories were current about Germany.

In November, a Lance Daffadar Lachhman Singh told him the 17th was going to be a memorable day in India; and later, that there was to be a great gathering on the 23rd at Jhar Sahib to start a rising. As we know,

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nothing happened on the 23rd; and we know also that the troops did not move on the 26th.

On the night of the 27th, however, witness saw a body of 20 or 25 men of the Cavalry, outside the quarters of one Tara Singh; and enquiring from them, he found that Sucha Singh (82) had already deserted, and that a large quantity of men were getting ready to go, and join the revolutionists at the Jhar Sahib. It was simply on his representing that they had no possible chance of success, and that capture and punishment were inevitable, that these men were induced to give up their intentions.

The witness is very explicit as to what the mutineers intended to do—by rebellion, he says, they meant to kill and rob.

Next day witness found that in addition to Sucha Singh (82), Maharaj Singh (52), Chanan Singh, and Surain Singh had deserted, and gone to the Jhar Sahib. Chanan Singh returned next day; and it became common talk in the regiment that, but for witness's dissuasions, the whole of one troop would have mutinied.

In order probably to hush matters up, this witness went after the three deserters, who had gone to the Jhar Sahib; but on reaching there, he found from the *Mahant* (accused 5) they had already been arrested in the vicinity by the police.

Another witness from the regiment is Ganda Singh, who gives us a long account of how sedition was preached in the regiment. He tells us of meetings in a cemetery near Cantonments; and of addresses by Lance-Duffadar Lachhman Singh, Sucha Singh (82), and Surain Singh. In one of these meetings Sucha Singh (82) told them he had heard, when on leave, that a body of 1,400 or 1,500 returned emigrants intended gathering in the *rakh* outside Cantonments to attack Lahore, and capture the fort. The same information was given him by Sunder Singh (86); and he was asked to supply plans of the fort.

A few days later Sucha Singh (82) told him the 15th November had been fixed for the rising, and that a large body of men would collect on that date in the *rakh*; but this design was not carried out.

The lines were shortly afterwards visited by Prem Singh (67); and at a meeting attended by accused 82, Maharaj Singh and others, sedition was actively discussed by various men of the regiment.

Another visit by Prem Singh took place; and he informed them there would soon be a rising at Ferozepore, and suggested a number of sowars should assemble at Chuslewarh. This visit was followed by a large gathering of sowars at the Rifle-range, including accused 82 and 52, at which it was announced by Lance-Daffadar Lachhman Singh that there would be a rising on the 23rd.

Witness does not tell us why nothing happened on the 23rd; but he indicates that the feeling in the regiment was that the best they could do was not to leave the lines, but mutiny at an opportune moment in Mian Mir itself.

He next heard from Sucha Singh (82) that the rising was to definitely take place on the 27th, and that several men were going to the Jhar Sahib that day. Some of the sowars doubted this news, and suggested it was best to take no action, until revolutionaries came to lines.

On the 27th witness removed the Military cash chest, containing Rs. 500, which was in his charge, to his quarters, intending to take the money with him, when the mutiny broke out. Sucha Singh (82) met him and told him he, accused 52, Surain Singh and others were going off to the Jhar Sahib; and then there was a meeting of seditious sowars at his quarters, to discuss going themselves. It was this meeting that Mul Singh broke in on; and witness says it was owing to his dissuasions that they did not go. They tried to dissuade 82 from deserting; but he left them, and next morning he heard that Sucha Singh (82), Maharaj Singh (52), and Surain Singh had deserted.

We have also the evidence of Surain Singh, one of the deserters, in respect to this incident.

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The witness tells us (p. 134 *et seq.*) that, soon after the reservists were called up on the outbreak of war, he attended a meeting of some sowars, at the invitation of accused 82. They were told by 82 of the return of revolutionaries from America, to create a revolution; and he agreed to join. Many discussions took place about mutiny, and the information the seditious sowars received came from accused 86 and 100, through accused 82. Accused 52 agreed to help; and the sowars were regaled with stories as to the arms and bombs possessed, and of the plans made to blow up bridges, and destroy railways, and telegraph communications.

Sucha Singh (82) told them also of an intended attack on Lahore on the 15th November; and a number of sowars were now sufficiently influenced to promise assistance. A meeting at the cemetery took place next day, attended by many sowars, including Ganda Singh (approver), Lance-Daffadar Lachman Singh, accused 52 and 82. The same story was told and plans of the Lahore fort asked for; and all present agreed to join the revolutionary movement.

Then, a few days later, at another meeting in the cemetery, attended by the same sowars, Sucha Singh (82) told them the date of the rising had been altered to the 17th. This meeting was followed by a visit from Prem Singh (67); who told them that it was intended to collect revolutionists at the Jhar Sahib, whence some would come to Lahore to attack the fort, while other would proceed to loot Tarn Tarn. Nothing however occurred on the 17th.

This meeting was followed by another meeting at the rifle-range; where the assembled mutineers, including 82, 52, and others, were told of a gathering at Jhar Sahib, whence one party was to march into Lahore and another attack Tarn Taran and Sarhali; and the rising was postponed from the 17th to the 23rd, and all agreed to help, and obtain recruits to the cause.

A further meeting at the rifle-range took place two days later; and yet another four days later; and then Sucha Singh (82) told them accused 86 and 100 had informed him the rising was fixed for the 27th.

On the 26th the mutinous sowars had another meeting, which was attended by accused 82 and 52 and other sowars, where it was decided definitely to ride out in the evening to the Jhar Sahib. Witness made over his belongings to one Kalu to take home; and Kalu (p. 252) corroborates this, deposing he gave over the luggage later to Rasaldar Choghata Singh. For a reason unknown to witness, but possibly because of Mul Singh's intervention, he was told later by the Lance-Daffadar not to go, but to wait till the following day.

The witness then proceeds to tell us, and we need not follow him in detail, how, notwithstanding the failure of the others to join him, he, Chanan Singh and accused 52 and 82 deserted on the night of the 27th, taking their swords with them; and rode out to Bhure, where they met Kala Singh, approver, who told them, after a meal at a well, of the gathering at the Khairon mound the previous day. Under his advice they went on to Tarn Taran, (except Chanan Singh, who returned to lines), hoping to find that place in arms; and thence back to Sarhali, and Dadhir and the Jhar Sahib, where they saw accused 67, 8, 91, 5, 7 and Kala Singh (hanged).

It was near the Jhar Sahib that they were arrested, and then handed over to the Military authorities.

There are many small details given in this witness' statement, corroboration of which is afforded by other evidence, but it is unnecessary to do more than refer to the main features of his evidence at this point.

It will suffice for us to say here, that from the date of desertion until arrest, the witness says he met and spoke about the rising and revolution to Kala Singh, approver, accused 100, 44, 67, 8, Kala Singh (W. B murderer), 91, 5 and 7, most of them at the Jhar Sahib.

Wasawa Singh (p. 130) gives us an account of what he heard long afterwards from co-conspirators. Ganda Singh, approver, he says, told him he had heard from Sucha Singh (82) of the date fixed in November; the latter having got the news in his village; and Buda Singh informed him he had arranged to open the rifle racks, while others named were to have secured

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ammunition, rifles, men and money ; and he also heard how it was the interposition of Mul Singh that brought the scheme to nought.

Balwant Singh (p. 142), who returned to the Punjab after this episode was over, also tells us that he got an account of it from Lachhman Singh, Lance-Daffadar. The latter, he says, told him 50 or 60 men of the regiment had been prepared to rise, but had been prevented by the interposition of someone (who is, of course, Mul Singh, *granthi*), and 3 men had deserted and gone off to the Jhar Sahib, where they had been arrested.

Risaldar Chogata deposes to the desertion of accused 82, 52 and Surain Singh and their subsequent trial and conviction therefor by Court-Martial.

Bhog Singh (accused 5), in his Magisterial statement, stated that 4 days after the Jhar Sahib affair, 3 sowars, including Surain Singh, arrived there, enquiring for Lal Singh (L. C. C.) ; and saying they had come from the 23rd Cavalry to find him. From there they went to Bhure, and again returned to Jhar Sahib ; he also refers to men coming from Lahore to induce the deserters to return and to their arrest.

We have now seen how certain sowars of the 23rd Cavalry proceeded to the Jhar Sahib, and how the men assembled there waited in vain for a large number to turn up.

Kala Singh (approver), p. 109, tells us that while one Harnam Singh was sent off to hurry the sowars up, he himself was sent on a message to Sardul Singh at Nakki, with instructions at the same time to direct any sowars he might meet. At Bur Chand he met four sowars, *i.e.*, the four deserters, including Sucha Singh (82), Maharaj Singh (52) and Surain Singh ; and he took them along the road to Jhar Sahib, directing them to go to Tarn Taran and feeding them at a well. He met three of these men again a few days later ; and sent them to the Jhar Sahib, where he saw them later with 67, 8, 7, 5, 35, and Kala Singh (hanged). This evidence corroborates in detail that of the deserters themselves.

Jhanda Singh, *Mahant* (p. 274), tells us he went, at the request of Surain Singh's mother, to the Jhar Sahib to bring her son back, and he saw him there with 52 and 82, and they refused to return, and Daffadar Mail Singh and Head Constable Hakim Singh testify to the arrest of these men near the Jhar Sahib on the 1st December, in possession of swords.

(*b*) Sedition in the regiment from November to February.

Having seen what occurred in the regiment in connection with the proposed rising on the 26th November, we may turn for a moment to see what took place from the end of November to February.

Sundar Singh (W. G.) tells us (p. 84) that after the fiasco at Sarhali, he, Lal Singh (L. C. C.) and Natha Singh (approver) set out towards Mian Mir to try and find out why the mutinous sowars had failed. They went *vid* Chuslewarh, to Mian Mir, calling at Bhangali, where they left their weapons with a *zamindar* ; and near a Cavalry *rakh* met a sowar, who told them, that it was owing to the *granthi's* dissuasions that the mutineers had not ridden out as intended. They proceeded to the lines, and there saw Ganda Singh, and several other sowars, stopped at the *gurdwara*, meeting Sadhu Singh and Mul Singh ; stayed the night at the *gurdwara*, in spite of orders to the contrary, and arranged to meet the following day at the Mangat *gurdwara*. The following day they met at this *gurdwara* several sawars, also Mul Singh, *granthi*, and Ganda Singh. Mutual recriminations followed, which resulted in Lance-Daffadar Lachhman Singh promising to join, and help with his following, provided the revolutionaries came to Lahore to join them. Nothing definite was decided beyond that the Chobacha Sahib was selected as a Post Office, where the seditious men in the Cavalry could communicate with the revolutionaries, and witness went back to Guru Gar Sutlani and home, dropping out of the movement, thoroughly disgusted with the failure.

Natha Singh (approver) gives identical evidence, relating the same incidents as to how they rode on to Chuslewarh, Bhangali and Lahore ; how

they met the sowar in the Cavalry *rakh*, who told them of Mul Singh's intervention, and thence to the regimental *gurdwara* for the night. He gives us the same story of the meeting the next day at Guru Mangat, and their return to Guru Gar Sutlani, where they got wholesome advice from the *Mahant*, which resulted also in this witness dropping out.

Mul Chand (p. 115) corroborates. He tells us he found the two preceding witnesses with Lal Singh at the regimental *gurdwara*, and warned them they could not stay there. They were enquiring for the Lance-Daffadar; and the next morning he showed them the road to Guru Mangat, whither he himself went next day, and saw there the two approvers, Lal Singh (L.C.C.), Ganda Singh, the Lance-Daffadar and others. He gives more details of this gathering; and describes how Hardial and Bhagwan Singh were referred to as the heads of the movement, how the *Ghadr Sandesa* was read out, how mutual recriminations followed, how Natha Singh went off to Guru Gar Sultani, and a post office for intercommunication was agreed upon.

Mahant Kirpa Singh (p. 255) remembers Natha Singh and 2 others, visiting his *dharamsala* at Guru Gar Sultani; and speaks to Natha Singh's seditious talk to him, and the wholesome advice he, witness, imparted, and his servant Ram Singh (p. 255) gives corroborative evidence.

Ganda Singh (p. 119) also refers to this visit. He tells us Natha Singh, Sunder Singh, (W. G.) and Lal Singh (L. C. C) came to lines, and told him of the collection at the Jhar Sahib, and the fiasco at Sarhali, that they stayed in the *gurdwara*, and had come to enquire why the regiment had failed to turn up. He also went to the Guru Mangat meeting, and tells us very much the same as to what took place there.

All these witnesses tell us, that at Guru Mangat the men assembled discussed ways and means of collecting men to seize the guns and magazine in Mian Mir, and, after having done so, how to murder the officers, British and Indian, and overcome the Territorials stationed there; but no definite plan was decided on.

Ganda Singh also heard of the selection of a place as a post office.

Wasawa Singh (p. 130) deposes to being told by Budh Singh, sowar, that he, Ganda Singh, Lachhman Singh, and Mul Singh, went to Guru Mangat, and there met Lal Singh, and Natha Singh, approver, after the latter had left lines.

Achar Singh, *ex*-sowar of the 23rd Cavalry (p. 148), gives evidence of a conversation he overheard in February, relating to this incident of the seduction in November. He tells us he was on sentry-go, and overheard Ganda Singh and other sowars lamenting the failure of the attempt at a rising, when, after being fully prepared to act, they had unsaddled their horses; and also regretting that the proposal to attack the Lahore fort had miscarried. This witness was also told that Balwant Singh and one Banta Singh had joined the regiment, with the express purpose of fomenting sedition in it. He was also told that a rising would take place, when Hardial came to India; that the regiment was to join in, and loot treasuries and police stations.

Puran Singh, who had no personal knowledge of this affair, tells us that in February or March he was told of the Guru Mangat meeting by Budh Singh, and that a sepoy Buta Singh had arranged to hand over the magazine keys to the revolutionists prior to an organized raid on the bungalows of officers of the regiment with a view to murder them.

Sadhu Singh (p. 146), the son of Mul Singh, *granthi*, also says he saw Natha Singh (approver), Sunder Singh, Wadali Guru, and Lal Singh (L. C. C.) in lines in November; when they stopped at the *gurdwara*, and had an interview with Ganda Singh, Buta Singh and other sowars, and Risaldar Chogata Singh (p. 258) deposes to seeing Natha Singh, approver, in lines, and to his refusing to allow him to pass the night there.

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Sawan Singh of Chamba (p. 268), and Khushal Singh of Thattha Kaur (p. 268), depose to seeing Natha Singh and 2 others on this occasion also at their villages.

Ganda Singh (accused 15), in his Magisterial statement, stated that Lal Singh (L. C. C.), Natha Singh (approver), and Surain Singh left after the Sarhali affair for Mian Mir, to find out why the 23rd Cavalry had not ridden out. Kesar Singh, accused 45, also mentioned these 3 men riding into Lahore to bring out men of the Cavalry; and Teja Singh (accused 90), in his Magisterial statement, referred to accused 67 and Jagat Singh going to the Cavalry after Sarhali to find out why they had failed, and subsequently Lal Singh (L. C. C.), Natha Singh, and Sunder Singh (W. G.) went for the same purpose.

It is perfectly clear from this evidence that in November men of this regiment had become imbued with seditious and mutinous ideas; that some deserted with the express purpose of joining in the expected rising at the Jhar Sahib; that others were prevented from doing so by what may be described as a mere accident; and that, both before and immediately after, the men of the regiment were in contact with the revolutionaries.

In the Lahore Conspiracy Case we saw that on the 25th November an attack on the Mian Mir arsenal was projected in conjunction with some sepoys, which was however abandoned. The same evidence, *i.e.* of Amar Singh, Nawab Khan, and Jawala Singh has been given before us in this case; and this evidence we find fits in with the evidence we have from the inside of the regiment, and which we have discussed above; and it is perfectly clear now that this raid on the Mian Mir magazine was expected to result in the seizure of arms there, with which some troops were to start a massacre in Lahore, while others rode out to the Jhar Sahib, to start operations there in conjunction with the villagers, who would join with them on their arrival.

Though for the time the men of the 23rd Cavalry had failed to fulfil the hopes of the leaders of the revolutionary movement, sedition did not stop.

This leads us to the connection of the regiment with the rising planned for the 19th February.

(c) The regiment and the rising of the 19th February.

We saw in the Lahore Conspiracy case that the regiment was expected to join; and it was then in evidence that Sajjan Singh (accused 74) was a go-between between the revolutionists' house in Lahore and the regiment;—and in this connection we have again the evidence of Amar Singh and Mula Singh,—but we did not have the full details that have now been put in evidence before us.

Ganda Singh tells us (p. 119) that after the failure to join in the rising at the Jhar Sahib, agitation continued in the regiment. Balwant Singh (who is a witness), talked to him about *Ghadr*; and told him he had come from Shanghai and had joined the regiment with the express purpose of inciting the men to join in the movement, and he describes occasional discussion among the men. He tells us nothing about the 19th February, beyond saying Puran Singh told him of the raid on house I, but his evidence is important as showing the continuity of the efforts made in the regiment. He tells us also of a proposal to murder Kirpal Singh, which we will deal with later, and of subsequent visits of 67 to lines.

Balwant Singh (p. 141) gives us a very full account of what happened in the regiment; and also how the spy Kirpal Singh got his information, which led to the collapse of the movement.

This man Balwant Singh returned from Shanghai with the express object of joining the revolutionary movement. He is a cousin of Kirpal Singh spy, and had brothers in the 23rd Cavalry. After telling us how, on his return, he got into touch with Mula Singh, the conspirators' organizer in Amritsar, he informs us that in November he arranged to go to Mian Mir, in the company of Mula Singh, to speak to the regiments there about the *ghadr* movement. Owing to Mula Singh having, however, to attend a marriage he proceeded alone, after exchanging turbans with Naurang Singh (L. C. C.). At Mian Mir

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he stayed with his brother Puran Singh, and had inverviews, in which he discoursed on *ghadr* propaganda with him, Lance-Daffadar Lachman Singh, Wasawa Singh and others of the regiment. Eventually, under pressure from his relatives, he enlisted in the 23rd Cavalry, as he says, with the express object of spreading seditious opinions in the regiment. He tells us that Amar Singh, approver, visited him, enquiring how the propaganda was progressing, and at the Guru Mangat fair was introduced to Madan Singh (L. C. C.). He tells us of many conversations with fellow revolutionists, which we need not discuss here, and gives corroborative evidence of Kirpal Singh's movements, which led to the collapse, and also of Mula Singh's arrest on the 13th February.

After the 13th February Amar Singh, approver, came to Mian Mir, and told him the rising was fixed for the 19th, and enquired how many men in the regiment were willing to assist. He accompanied Amar Singh to the conspirators' house in Lahore to get a man to go with him to Lance-Daffadar Lachman Singh, who was the head of the revolutionists in the regiment, and who could furnish the information required. At this house he states he met Sujjan Singh (74) and Jamna Das (L. C. C.), and he was given some copies of the *Ghadr Sandesa* to distribute in the regiment; and Sajjan Singh was despatched with him to see if the men were ready to rise the next day. Sajjan Singh, he asserts, interviewed Lachman Singh and Wasawa Singh, and witness thereafter heard from Lachman Singh the rising was to take place that night, *i.e.*, the night of the 19th, and that the regiment was to be reinforced by several men coming by rail. One man was to be deputed to lead these to the reservists' rifles in the Quarter Guard; others were to be taken to barracks, while the troops were at roll-call, and help themselves to arms.

When all were armed an assault was to be made on the Artillery; and a general massacre of European officers was to follow, in which the revolutionary sepoys were to join.

The whole of this scheme miscarried for the simple reason that, owing to Kirpal Singh's disclosures, the officers of the regiment had been informed of the likelihood of trouble; and at 7 that evening the whole regiment, except recruits was ordered to fall in.

When this order was given Lance-Daffadar Lachhman Singh and Wasawa Singh told witness, who was only a recruit, to warn the gangs, expected to come and help, to disperse.

He pretended to do so, and informed Wasawa Singh he had done so; but, as a matter of fact, for fear of being implicated, he did nothing.

In the points connected with the participation of the regiment in this rising, the witness is corroborated by Wasawa Singh (p. 128). He was a Lance-Daffadar in the 23rd Cavalry, and tells us that in December 1914 he was seduced from his allegiance by the witness Balwant Singh. He tells us he was told that Hardial, Barkatulla, and Bhagwan Singh were the promoters of the *Ghadr;* and were supported by Germany, whence many arms had come. He tells us of several seditious conversations, in which he heard the headquarters of the revolutionists were in Amritsar and Lahore.

He also tells us that in February, Sajjan Singh (74) was brought to him, and Lance-Daffadar Lachhman Singh by Balwant Singh. This accused he states told him everything was now in readiness, and that all that was required was the co-operation of the troops. The accused gave him *Ghadr Sandesa* to distribute among the troops; and he describes the interview of Lachhman Singh with the accused.

On that very day, witness tells us, the Cavalry was ordered to fall in; and Balwant Singh told him this was due to the officers having got news of the proposed rising that night, news he himself had received from Sajjan Singh. He tells us how the regiment was kept on duty till midnight; and how, when they returned to lines, Balwant Singh told him he had warned the gang, expected to help them. He also informs us (p. 129) that, a few days after, Prem Singh (67) told him 2 supporting gangs of revolutionaries, one from Amritsar, and one from Lahore, had come near Mian Mir; but had dispersed on hearing that the authorities had got wind of the projected rising.

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Puran Singh (p. 121) gives supporting evidence. He was a Lance-Daffadar in the regiment, and a brother of Balwant Singh. He tells us how in December 1914 his brother came and gave him full information of the objects of the *Ghadr* party; and how Balwant Singh eventually enlisted in the regiment, with the express object of tampering with the sowars.

This witness, in February, became cognisant of the fact that Kirpal Singh, his cousin, was a spy and helped the latter, half-heartedly, no doubt, on being promised a part of the reward.

He tells us that in February (*i.e.* on the 18th) Wasawa Singh, witness, told him Balwant Singh had brought Sajjan Singh from Lahore, though he never saw accused himself, to see Lachhman Singh; and also heard the accused had brought several *Ghadr Sandesa* with him.

On the morning of the 19th February he was told by Balwant Singh that Sajjan Singh had informed him there would be a mutiny in Cantonments that night; that gangs would come into lines during roll-call, steal arms, join the revolutionary sepoys, seize the magazine, and commence a general massacre of Europeans. He gives identical evidence as to the falling in, and says that Balwant Singh told him he had been to warn the gangs, who were coming in to help.

Evidence corroborating this incident is also given by Achhar Singh, *ex*-sowar (p. 148).

This witness enlisted in December 1914 or January 1915. Soon after enlistment, *i.e.*, in February, he overheard a conversation among some mutinous sepoys; and as a result he was asked to attend a meeting. Those who attended have been either disposed of by Court-Martial or been made approvers. In that meeting he was told 4,000 or 5,000 emigrants had returned to India to spread revolution; that arms expected had been seized by Government; that Hardial would come and give the signal for the rising, in which the regiment was to join. He heard Government treasuries and Police stations were to be attacked, and that the rifle racks in lines were to be broken open.

It was two days after this when the order to fall in was given; and he tells us he was told by one Mota Singh that that night had been fixed for a rising, and the mutineers knew of the fact.

He was told further that it had been arranged that, during roll-call, gangs, which had collected near Cantonments, were to steal into lines, seize arms, and start a rising, in which the troops were to join.

He tells us further that he heard from the same informant that, even when the regiment had been ordered to fall in, and were supplied with ammunition, they determined, instead of doing their duty by firing on the gangs expected, to shoot down their officers when the gangs arrived. He was told, too, that it was part of the plan to break open the magazine and treasury, and start a massacre of Europeans.

Sadhu Singh (p. 146), the son of Mul Singh, *granthi*, corroborates part of these incidents. He saw Prem Singh (67) in lines in February. Prem Singh had a long talk with Budh Singh, sowar, and afterwards a conversation with the *granthi* of the 27th Infantry; whence he proceeded to the 28th *gurdwara*, where he had an interview with the *granthi* of that regiment, which he opened by asking if there were any "*Tayar bar tayar Singhs*" there. It was a week after this that the 23rd Cavalry was suddenly ordered to fall in, and on that day witness Balwant Singh hailed him with a cry of "*Aj beganan puton ki maut ai hai.*"

There can be no possible question that once more this regiment was expected to take an important part in the rising, fixed for the 19th February; that several men had been seduced from their allegiance, and were prepared to mutiny and murder, in conjunction with other revolutionaries; and that they were prevented again from actually starting a massacre by the accidental discoveries of Kirpal Singh.

We have seen now that two plans for rising, *viz.*, on the 27th November and the 19th February, came to little in the regiment.

(4) After the 19th February.

Notwithstanding these failures, sedition did not stop in the regiment; and we have now to trace the seditious acts which went on until the serious state of affairs ultimately came to light by the discovery of bombs in the regiment.

The person, not in the regiment, said to have been mainly instrumental in keeping alive the seditious attitude of a section of the regiment, was Prem Singh (67), and he found plenty of symathisers amongst the sowars.

A very full account of what went on in the regiment is given by Puran Singh (p. 122). It is not necessary for us to detail all he says, which concerns men already tried by Court-Martial; and a brief outline is all we need give.

He tells us that, immediately after the 19th February, meetings were constantly held in the regiment, and that it was decided to murder Kirpal Singh, the spy, who was largely instrumental in causing the collapse of the movement. He informs us also that Prem Singh was a constant visitor to lines, and he suggested throwing a bomb into the Officers' Mess; and was actually taken there by a sowar of the regiment, and a place was selected from which to throw a bomb, while the officers were at dinner. He also tells us how Balwant Singh was arrested; and how he sought Kirpal Singh's help in getting him off; and how he came across Maghar Singh (51) in his village. Maghar Singh, he says, promised to join in the revolutionary movement, and taught him how to make bombs, procuring materials, and actually showing him the process of making. Our conclusions regarding Maghar Singh himself will be found in his individual case.

With this knowledge witness, on return to lines, taught Wasawa Singh how to make bombs; and he gives us a detailed account of how they procured the necessary ingredients. He also taught Abdulla, farrier, who had taken a prominent part in previous seditious movements in the regiment; and further chemicals were procured.

After this, he states, there was a large gathering of sedition-infected sowars at the Rifle Range, attended by Prem Singh, and it was decided again to murder Kirpal Singh and Bela Singh, Zaildar, who had been instrumental in procuring the services of Kirpal Singh. Prem Singh undertook to commit the murders; and he was directed to Kirpal Singh's village, where Fauja Singh (witness' brother), and Maghar Singh (51) would point out Kirpal Singh to them, and the latter would also repair Prem Singh's revolver.

Further efforts at making bombs in the regiment were made; and Prem Singh later furnished them with a new recipe, and directed them to Arjan Singh (71) who he said could make dynamite.

The attempt to make dynamite under Arjan Singh's tuition was not a success.

This was followed by another meeting, attended by several sowars, and accused 67 and 71 absconder; and it was again decided to make an effort on the life of Kirpal Singh. This attempt, which we are told was entrusted to accused 67 and 71, came to nothing; and the intention to commit this murder was given up, as it was found Kirpal Singh was armed.

It was at this meeting, according to witness, that Prem Singh told the seditious sowars that they should get into touch with Hira Singh (28), who lived at Charar, a village just outside Lahore Cantonments; and who was a returned emigrant, and said to be of great influence.

He says that Ganda Singh and Budh Singh of the regiment went to Hira Singh; and, after that, Wasawa Singh and witness went. Hira Singh gave them a long account of how he had been deported from somewhere in China; had then gone to France; and then to Burma, whence he had gone to Baluchistan to instigate troops to rise there; and he urged his visitors to go on working in the regiment.

He told them that the Germans had arranged to send back all Indian prisoners of war, *vid* Kabul; and the Amir of Kabul had agreed to join in 5 or 6 months time, and seize the Peshawar valley.

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Witness says he and Wasawa Singh paid another visit to Hira Singh, this time with Fauja Singh ; and after this they proceeded to conduct further experiments with bombs in the regiment.

Witness describes in detail how these bombs were made ; and how they experimented with one near the railway line near Kot Lakhpat ; and how after that, two more bombs were prepared with the express object of murdering the officers of the regiment, European and Indian, whenever a suitable opportunity should arrive.

A few days after, the regiment was ordered on active service ; and witness and Wasawa Singh were sent with the depôt to Nowgong ; and witness tells us that these two bombs were placed in different boxes, one of which was sent on by goods train to Nowgong ; and he further tells us that, on arrival at Nowgong, he heard that bomb had exploded at Harpalpur Station, when the baggage was being unloaded, and he was himself placed under arrest with Wasawa Singh in connection therewith, and while being taken to the quarter-guard he told another sepoy Saudagar Singh to get rid of the other bomb.

The evidence of this witness shows, therefore, that —

(*a*) there were frequent seditious meetings and discussions in the regiment after the 19th February, often attended by Prem Singh ;

(*b*) men in the regiment, with other revolutionaries from outside, plotted and planned the murder of Kirpal Singh, spy ;

(*c*) they prepared bombs, expressly to murder their officers, being taught partly by outside revolutionaries ;

(*d*) they were in communciation with Hira Singh (28) ; and

(*e*) bombs, expressly prepared for the murder of their officers, as part and parcel of the *ghadr* movement, were concealed in their luggage ; and it was the explosion of one of them by accident, which led to the discovery as to how far men in the regiment had been seduced.

Much of what this witness has deposed to is also testified to by Wasawa Singh (pp. 129 *et seq*). He tell us of the visits of Prem Singh to lines, who came to find out why no rising had taken place on the 19th; of his pointing him out the Officers' Mess and selecting a place to throw a bomb from into the Mess ; and of the meeting in the regiment where it was decided to murder Kirpal Singh, spy. He also tells us that, after Balwant Singh's arrest, Puran Singh went home to get Kirpal Singh's assistance in getting Balwant Singh off ; and Puran Singh returned and told him he had learnt how to make bombs from Maghar Singh (51). He gives us practically the same story of how ingredients were purchased ; how a bomb was made, and experimented with near Kot Lakhpat. He also corroborates Puran Singh as to Prem Singh's further visit, when it was decided that Prem Singh should go, and murder Kirpal Singh and get his revolver repaired by Maghar Singh (51) ; and as to Prem Singh introducing Arjan Singh (71) to teach them how to make dynamite, and how an effort to make dynamite was not very successful.

He also informs us that Prem Singh told the revolutionaries in the regiment to get into touch with Hira Singh ; and he gives identical evidence as to the visits of several sepoys to that accused, and the accounts he gave of his past life, adding that Hira Singh informed them he had a factory making arms in Burma for the *ghadr* party, and urged them to continue their revolutionary propaganda in the regiment.

He tells us also how it was decided to make bombs, with the express object of murdering their officers ; and how two bombs were made by them ; and gives the some story as to how they were packed in the baggage going to Nowgong, and how one of them exploded by accident.

Mul Singh, *granthi* (p. 115) corroborates some of these incidents. He tells us he was told of Prem Singh's visits to lines ; and he gives us information as to Prem Singh speaking to him about the incident of a bomb in the

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Shalamar gardens; and telling him he had taught Wasawa Singh and Abdullah, Farrier, how to make bombs, and he also tells us that he heard sowars talking among themselves of murdering their officers.

Ganda Singh (p. 119) tells us also of the decision in the regiment to murder Kirpal Singh arrived at at a meeting near the Rifle Range; and of Prem Singh's visits to lines, also of Prem Singh setting out for the murder, with directions to go to Maghar Singh to get his revolver repaired.

He tells us also how Prem Singh, on a later occasion, told them to get into touch with Hira Singh (28); and he gives similar evidence to that of Puran Singh and Wasawa Singh as to visits to Hira Singh, and the accounts of his past life given by the latter.

He also tells us how bombs were prepared in lines, and how one was tested on the railway near Kot Lakhpat; and he gives also a brief account of the explosion of a bomb in the luggage on the way to Nowgong.

Balwant Singh (p. 142), who was arrested very soon after the failure of the rising for the 19th February, corroborates as to Prem Singh's visits to lines, and the latter being taken by him to house I, and being shown the Officer's Mess in order to throw a bomb into it. After his being placed under arrest he was allowed to go home; and he tells us that Maghar Singh (51) came and told him Prem Singh wanted him in the *Gurdwara*, but he declined to help him further in the revolutionary movement.

Sadhu Singh (p. 146), the son of Mul Singh, *granthi*, also tells us he saw Prem Singh (67) in lines, a few days after the 19th February, asking for Balwant Singh and others; and he had a revolver, which required repair; and he also says Prem Singh paid another visit some time after, again tried to get his revolver repaired; and this visit was followed by yet a third, this time with a stranger, who is said to be accused (71).

Achhar Singh (p. 149) has also some information in regard to some details of these incidents. He was present at the meeting at the Rifle Range, attended by Prem Singh, when it was decided to murder Kirpal Singh, and also some Indian Officers of the regiment; and he refers to Prem Singh being directed to get his revolver repaired by Maghar Singh (51).

He refers also to Prem Singh undertaking to murder Kirpal Singh; to being directed to visit Hira Singh (28); and to visiting him, and hearing him describe his past career.

He also states he heard Puran Singh mention he had a large quantity of chemicals collected for bombs.

This witness gives an interesting account of an incident not referred to by others, which if believed, shows to what a depth certain sowars had sunk.

He tells us that in May 1915, a detachment of the 22nd Cavalry with 2 machine guns was attached to the 23rd Cavalry for active service; and, at a dinner, the Lance-Daffadar in charge of the detachment told the others that Thakur Singh (93), a returned emigrant from Canada, had joined the 22nd simply with the object of seducing troops, and he, the Lance-Daffadar, had made up his mind, as soon as he got to the front, to train his guns on to the British in the middle of a battle, and not on to the enemy.

Fauja Singh (p. 276) deposes to visiting lines, seeing bombs made there, hearing of the plot to murder Kirpal Singh, and to going to Mian Mir in March or April, and going to Charar with Puran Singh and Wasawa Singh to see accused 28, who asked the sowars to go on with their seditious propaganda, saying he too was working in the same interest.

Hazara Singh (p. 277) remembers taking Achhar Singh to 28's house; and the actual going of accused 28 to Jacobabad is sworn to by Santa Singh (p. 277), who accompanied him there.

Mul Singh, *granthi* (p. 115), says Prem Singh (67) told him he had taught Wasawa Singh of the 23rd Cavalry how to make bombs, and Wasawa Singh told him he had learnt how to make dynamite.

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Corroboration of the procuring of materials for bombs is furnished by the evidence of Ganda Mal, Mahan Singh, and Nabi Bakhsh, who all sold to Wasawa Singh and Puran Singh certain ingredients of bombs; and the actual explosion at Harpalpur on the 13th May, and removal of another bomb from Puran Singh's box, and its subsequent recovery, are established by the evidence of Jamadar Usman Khan, Saudagar Singh, and Inspector Abdul Aziz Din.

This evidence leaves no doubt that constant seduction was going on in the 23rd Cavalry throughout 1914-15.

The second important matter in connection with the seduction of troops, on which we have much new evidence, is concerned with the 26th Panjabis. The 26th Panjabis.

We will see, in due course, that part of the design of the revolutionists was to attack the Ferozepore arsenal on the 19th February, in conjunction with sepoys seduced from their allegiance; and that a large body of men did go down to Ferozepore on that date with that object, but were prevented from doing any thing, owing to the discovery of some facts by the Military authorities. We propose now to discuss the evidence showing how these sepoys were seduced.

The regiment mainly concerned was the 26th Infantry.

This regiment was in Hong Kong in 1912-13-14. S. Hakim Singh, retired Subedar, deposes that in the summer of 1914 sedition was so openly preached in the *gurdwara*; that sepoys had to be stopped going there; and Subedar Mula Singh of the 25th Panjabis gives similar evidence; and Jamadar Bute Singh (p. 207) states that in 1913-14 lectures were delivered in the *gurdwara*, which resulted in that place being put out of bounds. Witness asserts that the accused 46, 66, 26 and Khushal Singh, Isher Singh, Labh Singh (48), Maghar Singh and Teja Singh, witness, however, continued their seditious tendencies, until they were eventually returned to India in June. In Hong Kong.

The depôt was removed from Karachi to Ferozepere; and on the occasion of the Lieutenant-Governor's visit there, in the beginning of 1915, certain doubtful characters were found in lines; and, on a report being made, Captain Cargill gave orders for investigation. The result was that Bhan Singh, sepoy, gave information that Kartar Singh (L. C. C.) had been in lines, and holding meetings at which the men above mentioned attended, and that Harnam Singh (26) told him a number of men were ready to mutiny. The upshot was that these men were discharged; and five of them were marched on the 19th February to the railway station, and despatched to their homes. Next morning Labh Singh (48) was, nevertheless, found wandering about in lines; and, when arrested, he had a *chavi* handle in his possession the blade having been taken from him by an Afridi of the regiment. It was ascertained that others had also been near lines, but no one was found. In Ferozepore.

Captain Cargill (p. 209), the Officer in charge of the depôt, testifies also to the return of disaffected men from Hong Kong, including 46, 26, 66, 48 and Teja Singh, with a view to their discharge. Their discharge was refused by the General Officer Commanding, Karachi, and most of these men went with the depôt to Ferozepore in November. The witness tells us that in February he heard of seditious gatherings in the regiment, which he reported to the General; and, as a result of enquiries made through Jamadar Buta Singh, which showed a stranger had been visiting lines, these men and 3 others (Isher Singh, Khushal Singh and Magher Singh) were discharged on the 19th February, and 5 of them seen off from the station. Next morning, accused 48 was arrested in lines with a *chavi*; and witness ascertained others had also been near lines.

Subedar Mawaz Khan (p. 211) also tells us that he saw accused 66, 48, 46, Khushal Singh and Magher Singh off from the station; and that next morning 48 was found in lines; and Inspector Lamacraft (p. 266) also deposes to the arrest of accused 48.

Sepoy Bhan Singh (p. 211) testifies that he learnt from accused 48, that Kartar Singh had been in lines; and that accused 26, 66, 46, Teja Singh,

Magher Singh and Khushal Singh were ready to mutiny; and he informed Jamadar Buta Singh. He states that on the 20th he met Labh Singh (48) in lines; who told him he had returned to murder Captain Cargill and Jamadar Buta Singh; and that accused 66, 46, and Khushal Singh had come with him for the same purpose. He saw three men at a distance, too far off to recognize; and, after warning the Jamadar, the latter turned out a party to search, the result of which was that accused 48 was arrested in lines with a *chavi*.

Mohan Singh (p. 212), the regimental mistri, says he remembers the return of these men from Hong Kong; and he also remembers one day, seeing accused 26 and 2 men (one being apparently Banta Singh, the Walla Bridge murderer), who had previously asked him where accused 26 was, in his quarters; and he promptly turned them out.

Teja Singh, one of the men implicated, who was accused before us, has been granted a pardon by us, and he tells us (p. 286 *et seq*), that while in Hong Kong in 1914 Kirpa Singh (46), who was in receipt of "*Ghadr*" papers from America, succeeded in seducing himself, accused 66, 48, 26, and others; and that there were frequent seditious gatherings at the *gurdwara*. He also asserts that the witness Jamadar Buta Singh was an active seditionist; and describes how the mutinous tendencies of certain sepoys increased, with the result that several were returned to India. When at Ferozepore, he states Buta Singh supplied accused 46 with *Ghadrs*; and soon after accused 46 introduced him to a stranger, who was a returned emigrant. He states the manufacture of bombs was discussed in the regiment; and there were constant seditious visitors to Jamadar Buta Singh and Kirpa Singh (46). On one occasion there was a meeting at the hospital, attended by two strangers, apparently Pingley and Kartar Singh, where directions were given for the manufacture of bombs; and they were then informed the date for the rising would soon be fixed, and Jamadar Buta Singh promised the regiment would be ready in time. The witness went on leave on the 10th February; and before his return he got orders of discharge. He states accused 26 and 48 were fully implicated.

How the leaders of the revolution kept in touch with these disaffected sepoys is related by Anokh Singh (p. 244 *et seq*). Anokh Singh is a student, who was attached to Kartar Singh (L. C. C.), as a messenger. He tells us that he went with Kartar Singh to Ferozepore, somewhere about the 17th or 18th February; and *en route* went to see Randhir Singh (69), telling him he already knew disaffected sepoys in Ferozepore, who had been returned from Hong Kong. At Ferozepore they went to the hospital, where they saw Kirpa Singh (46); and the latter brought accused 48 and 66. The purport of the visit was explained, and they were told the rising had been fixed for the 19th. Labh Singh promised to get the keys of the armoury, and Phuman Singh offered himself as a guide to some of the lines. *Ghadrs* were given them to distribute. The following morning, at the station, they saw the discharged sepoys being entrained; and they were given a message from Kartar Singh to return that night. That evening they met Kirpa Singh near the station, who told them how he had come back, and he was employed that night in conducting parties of revolutionists from the station, and in finding out for the raiders what was going on in lines. The following morning, *i. e.*, on the 20th, he saw both accused 46 and 48 in Ferozepore.

The return of Kirpa Singh (46) is indirectly corroborated by Gurdit Singh (p. 290). As we saw, he was booked home on the 19th from Ferozepore; but he appears to have got out at Ferozeshahr, for witness, who is a luggage clerk at Phagwara, proves that Kirpa Singh booked his bedding from Ferozeshahr, under R. R. (P. 111) to Phagwara on the 19th, and took delivery on the 20th.

Madho Singh (p. 352) was Head Clerk of the Depôt of the 26th Punjabis, when accused 48, 46, 66, 26, Teja Singh and others were sent back to Karachi. His evidence is that they came back in a disaffected state; and when, in October, new drafts were being sent to Hong Kong, they incited men not to go.

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He corroborates Mahan Singh (regimental mistri) in saying that on January 18th or 19th he saw two suspicious persons in 26's quarters, and at once informed Captain Cargill.

As in the Lahore conspiracy case, we have the evidence of Amar Singh, showing how Kartar Singh was the go-between between the head-quarters of the revolutionists and the Ferozepore troops; and there can be no question that a number of men of the 26th Infantry had been tampered with in Hong Kong; and in India were expected to take a prominent part in the rising of the 19th February. How far the evidence establishes the guilt of particular accused men of this regiment we will see in the individual cases.

Enlistments for tamperings.

Before referring to evidence common to this case and the first Conspiracy Case, we may note new evidence showing that in order to seduce troops men deliberately enlisted to tamper with sepoys.

Balwant Singh, sowar, admittedly joined the 23rd Calvalry, with the express purpose of trying to seduce troops.

Ganda Singh (p. 119) tells us Balwant Singh told him that was his object in enlisting. Puran Singh his brother (p. 121) gives us the same information. So too does Wasawa Singh, who was actually seduced from his allegiance by this man; and Balwant Singh (p. 141) states clearly that that was his object.

Similarly, Acchar Siugh (p. 148) states that, when he was at the recruiting office, he met Ujagar Singh and Thakur Singh (93), waiting to enlist in the 22nd Cavalry; and he heard Thakur Singh tell Ujagar Singh that he had returned from abroad with other emigrants, with the intention of causing a revolution; and that he was enlisting with the express object in view of furthering mutiny in the regiment he joined. This witness, after enlistment in the 23rd, also heard Balwant Singh and Banta Singh enlisted in order to raise a rebellion.

Common evidence in Lahore Conspiracy Case.

This concludes the new evidence: but it is also necessary for us to note that we have the same evidence, as in the Lahore Conspiracy Case, proving seductions in Jullundur, Bannu, Kohat, Rawalpindi, Peshawar and elsewhere; and we have also the same account of Sucha Singh's peregrinations in Meerut, Agra, Cawnpur, Allahabad, Benares, Fyzabad, Lucknow and Ambala, seducing men and preparing them for the 19th February; and the later incident of the 23rd March, when Pingley was arrested with bombs in the lines of the 12th Cavalry at Meerut.

It is not necessary for us to do more than note the fact that we have that evidence; and that the additional evidence we have now confirms us in the view we then took in regard to the seduction of troops.

(5)—The use and distribution of seditious literature.

The *Ghadr*.

In our Judgment in the first Lahore Conspiracy Case, we discussed, in considerable detail, the origin and the nature of the *Ghadr* newspaper. The same evidence has been given before us now; and we have nothing to add as to its genesis and character.

We also saw how that paper advocated wide dissemination of itself, and its progeny, the *Ghadr Sandesa* and *Ghadr-di-Gunj*; how copies were reproduced by handwriting and duplication; and we recounted several instances of its distribution in India, in the Far East, and America, and its use on board ship; and we referred also to several discoveries in India. We also discussed *inter alia* the *Ilan-i-Jang* (the proclamation of war), the *Nadir Mauqa*, and the Rikabganj pamphlet; and the cypher code of Inder Singh of Patiala, who is now an absconding accused.

The evidence then given on these subjects has been given again in this case: but, over and above that, we have a lot more new evidence.

The *Ghadr* in Shanghai.

We may first refer to the evidence, which establishes the distribution of the *Ghadr* in Shanghai.

Sundar Singh (p. 72) tells us that in Shanghai, *Ghadr* pamphlets were received in bundles in the *gurdwara* ; and were distributed by the *Granthis* and others freely until the police interfered ; after which they were received, on arrangements made as alleged by Gujar Singh (18), through a Japanese firm, and circulated by him among policemen and watchmen there. Suba Singh (p. 269) also asserts accused 18 received *Ghadrs* in Shanghai.

Jawala Singh (p. 332) states he once saw accused 40 distributing *Ghadrs* outside the *gurdwara* at Shanghai, and Dip Chand (p. 257) relates that accused 40 used to receive the paper in Shanghai in December 1914 and distribute it to Indians there ; while Hari Singh (p. 305) asserts he was given a *Ghadr* in Shanghai by the same accused.

We are not prepared to attach much weight, for reasons given hereafter to this evidence against accused 40 ; but as to the coming of the *Ghadr* and its distribution in Shanghai, accused 40 himself tells us it did come there, and he himself gave over copies of it to his superior officer Mr. Pope ; and accused 45 in his magisterial statement spoke of the receipt and recitation of the *Ghadr* in Shanghai, while accused 85 also stated he saw the paper there.

The *Ghadr* in Hong Kong.

We have also new evidence showing its distribution in Hong Kong.

Sunder Singh (W. G.) tells us that as his section of Gujar Singh's party left Shanghai, Gujar Singh gave Mathra Singh (absconder), a bundle of *Ghadr* pamphlets, to distribute among policemen and watchmen in Hong Kong ; and this bundle was given to Sama Singh (75) in Hong Kong, to circulate among policemen and sepoys.

Jamadar Lal Singh (p. 278) corroborates Sunder Singh, in saying that accused 75 received and distributed *Ghadrs* in Hong Kong.

Teja Singh (p. 286) asserts that in Hong Kong accused 46 received and read out *Ghadrs* and told his fellow-sepoys he got it from the States. After this, witness says, several issues reached the regiment.

Jamadar Buta Singh (p. 208) says the *Ghadr* reached Indian officers in Hong Kong in large quantities, which were made over to the Adjutant of the regiment.

S. Hakam Singh, retired Subedar (p. 327), deposes to free circulation of the paper among sepoys, and watchmen in Hong Kong ; and Subedar Mula Singh of the 25th Panjabis (p. 342) gives similar evidence.

The *Ghadr* in America.

We had a considerable amount of evidence in the first case, repeated in this case, of the distribution of the *Ghadr* in America ; and we have to add to that, the statement of Pakhar Singh (62), in his magisterial confession, that the *Ghadr* was regularly received in the *gurdwara* at Hebbsfort (Canada).

The *Ghadr* in Siam.

A new sphere of operations has been disclosed to us in this case, *viz.*, Bangkok.

Mangal Singh (p. 306) tells us that *Ghadrs* found their way to Bangkok; and a violent split took place among Indians there, when accused 28 asked them to subscribe towards it, but, nevertheless, it and the *Bande Matram* were received, and distributed by one Chet Ram ; and he also tells us the paper was read on board ship by 28 to the people returning to India from Bangkok.

We have also evidence of its arrival in Penang.

The *Ghadr* in Penang and Singapore.

Arjan Singh (p. 199) states that at a meeting in Penang in August 1914, he was asked if he had received the *Ghadr* ; and he was told the paper was distributed surreptitiously. Later, he was the recipient of some copies ; and he remembers the details of several articles, which we have checked and found in the *Ghadr* file.

Sunder Singh (W. G.) informs us that at Singapore, Sunder Singh (85), sent Harnam Singh (24) ashore with seditious pamphlets to distribute.

The *Ghadr* on board ship.

It is unnecessary for us to again discuss the evidence, already discussed by us in the first case, regarding the use of seditious literature, and recitations

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of inflammatory verses on the *Korea*, *Tosha Maru*, and *Mashima Maru*, and other vessels *en route* to India. The incidents are established beyond question ; and we need only mention the additional evidence now recorded.

On the Jardine vessel sailing from Shanghai, Sunder Singh (W. G.) tells us Sunder Singh (85) had two copies of the *Ghadr-di-Gunj*, and Harnam Singh (24) made a copy therefrom (P. 17), a copy which was discovered by Sub-Inspector of Police Aziz-ud-din Ahmad (P. 265) on the 4th of December 1914 in the house of that accused.

The same witness tells us there were constant readings from this paper on board.

Mr. Slattery (p. 354) discovered a *Ghadr-di-Gunj* on the *Tosha Maru*, on its arrival at Calcutta, with accused 12, who was also in possession of a seditious pamphlet (really a reprint of a section from the *Ghadr*), called the " Balance sheet of British rule in India." Sodhi Inder Singh (p. 375) corroborates ; so does Amar Singh (p. 346).

Sodhi Inder Singh (p. 375) accompanied *Tosha Maru* passengers, who were interned, to Montgomery and Multan. He tells us that at Montgomery some of these passengers threw P. 253 on to the line. P. 254 was found in a compartment vacated by them at Montgomery, and P. 255 at Multan.

Duplication.

It is not necessary for us to repeat the evidence previously given, and given afresh in this case, in regard to duplication ; and we content ourselves with saying that there is no reason for us to change our previous finding.

The *Ghadr* in India.

We may now turn to the new evidence we have as to the distribution of the *Ghadr* in India.

(a) Jhar Sahib.

Chronologically, the first place is the Jhar Sahib.

Kala Singh (p. 107) states there was a copy of the *Ghadr* at the Jhar Sahib, with accused 4 early in November; which accused 4, 5, 35 and Chanan Singh (W. B. M.) read out in turn, and witness knows a considerable portion of its contents. Among those who were regaled with this literary pabulum were, witness says, accused 7, 14, 55, 67, 73, 102 and others not before us.

Witness, also tells us that, sometime before 17th November, Gujar Singh (18) read out more extracts from the *Ghadr*, to an audience, including 5, 35, Lal Singh, Bhure, and Chanan Singh (W. B. M.).

Lal Singh (p. 262) asserts he heard accused 5 reading a seditious paper to Kala Singh, approver, Lal Singh (L. C. C.) accused 8, 35 and others in the Jhar Sahib, and he expostulated in vain ; and Chanan Singh, son of Lal Singh (L. C. C.) (p. 273) states accused 18 and Chanan Singh (W. B.) came to his father, and read out a *Ghadr* to him, and on a subsequent occasion accused 4 and 18 did the same.

Sunder Singh (W. G.) tells us he saw a *Ghadr-di-Gunj* at the Jhar Sahib ; and Natha Singh (p. 97) informs us that Ganda Singh (15) had a *Ghadr* pamphlet with him, which he read to the others, before proceeding to Khairon.

In his magisterial confession, Bhog Singh (accused 5) stated he saw a *Ghadr* at the Jhar Sahib early in November, which had been brought there by Lal Singh (L. C. C.), Kala Singh (approver) and accused 4; and that the paper was recited to him ; and Jassa Singh (35) in a statement, which is exculpatory, said Lal Singh gave him a *Ghadr* to read in the Jhar Sahib, which he did.

(b) Among troops.

A very important matter, *viz.*, the distribution of the *Ghadr* among troops in India, has been further evidenced in this case.

In the Lahore Conspiracy Case it was in evidence that the present accused 74 took *Ghadrs* to the 23rd Cavalry about the 17th or 18th February. We have now a great deal of new evidence as to the 23rd Cavalry receiving *Ghadrs*.

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Wasawa Singh tells us (p. 128) that Sajjan Singh gave him 10 copies of the *Ghadr Sandesa* in February, to distribute in the regiment: and these copies were freely read by sepoys.

Balwant Singh (p. 143) states he was given 6 or 7 copies of the *Ghadr Sandesa* by accused 74, about 17th February, to distribute in the 23rd Cavalry.

Puran Singh (p. 122) mentions being shown, in February, 7 or 8 copies of the *Ghadr Sandesa* by Wasawa Singh, which had been introduced into the lines of the 23rd Cavalry by Sajjan Singh (74), and they were read by sepoys there. He states he gave one to Ganda Singh.

Ganda Singh (p. 119) mentions receiving a copy of the *Ghadr Sandesa* from Puran Singh in February 1915, which had been obtained from a student; and this copy was given to Achhar Singh, another sowar; and when enquiries were made in Nowgong, after the bomb explosion there, he learnt it had been made over to a Nihang.

Achhar Singh (p. 149) deposes he received a copy from Ganda Singh, and on Lachman Singh's directions, he handed it over to the *chela* of Nihal Singh, *mahant* of Dubli.

No *Ghadr* found in the lines of the 23rd Cavalry has been produced before us, but there is evidence of one having been found during investigation and being destroyed without police knowledge.

Balwant Singh (p. 143) states that, when his house was searched, one copy was found, but Lance-Daffadar Lachman Singh told the thanadar it was a paper concerned with signalling. Wasawa Singh (p. 128) says he heard from Puran Sinch of this incident; and Puran Singh (p. 122) testifies to hearing of it from Lance-Daffadar Lachman Singh, and adds that all the *Ghadrs* in the regiment were burnt, when Balwant Singh's quarters were searched.

In addition to the circulation of the *Ghadr* in the 23rd Cavalry, there is evidence of its circulation in the 26th Infantry at Ferozepore.

In the Labore Conspiracy Case we saw (and it is also proved in this case), that on the 18th February Kartar Singh (L. C. C.), and a student left Lahore for Ferozepore with *Ghadrs* preparatory to the expected rising on the 19th.

That student, Anokh Singh, tells us (p. 243) that, on the 18th February, Kartar Singh (L. C. C.) gave him some copies of the *Ghadr Sandesa* to take to Ferozepore, and that Kartar Singh in Ferozepore handed over some copies to Labh Singh (48) and Phuman Singh (66), to distribute in their regiment, and others were given to some wounded sepoys they met in Ferozepore.

Inspector Lamacraft (p. 266) deposes to the discovery of a copy of *Ghadr* between the Depôts of the 20th and 26th Punjabis in Ferozepore on 20th February.

Its circulation in the 20th Punjabis is also mentioned by Teja Singh (p. 286), formerly of that regiment, who says that Jamadar Buta Singh gave accused 46 copies to read to sepoys of the 20th.

We may turn now to some miscellaneous evidence, showing the circulation of the paper in India.

(c) In Ludhiana.

As in the Lahore Conspriacy Case we have evidence of its widespread distribution in Ludhiana. To that evidence we must now add the evidence of Anokh Singh p. 243), who states that, towards the end of December 1914 or in January 1915, Kirpal Singh (L. C. C.) showed him a *Gadr-di-Gunj*, which he took home and read with accused 74, becoming inflamed thereby, and, urged by Nidhan Singh (L. C. C.), he and accused 74 copied out extracts, and placarded them on the wall of the Khalsa High School.

(d) In Thikriwala.

Sohan Lal (p. 280), Karm Chand (p. 281), Kaku (p. 281), Tahl Singh (p. 281), Gokal Chand (p. 281) and Jhande Singh (p. 282) depose they heard

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accused 81 and others reading out *parchas* in *mauza* Thikriwala to various people, the nature of which is described as seditious by some of the witnesses.

Inspector Shabir Hussain (p. 279) says he found a copy of the *Ghadr*, on a search of accused 81's house, on the 4th of April 1915, also some Gurmukhi extracts therefrom, verses, letters and postcards; and is corroborated by Sub-Inspector, Police, Tara Chand.

New additional evidence as to the *Ghadr-di-Gunj* in Lohatbadi is given by Sunder Singh, A.M. (p. 162), who deposes to seeing it there. (e) In Lohatbadi.

Bhagat Singh (p. 168) states Harnam Singh (23) gave him a *Ghadr-di-Gunj* in Gurmukhi, and he is able to remember some of the verses therein. (f) In possession of Bhagat Singh.

He also says (p. 173) that Arjan Singh (approver) gave him 3 papers (P. 50), containing seditious verses; and Kapur Singh, gave him a *Ghadr-di-Gunj* (P. 53), and a copy of the *Sachi Pukar* (P. 54), which he said he had received from Arjan Singh (approver). He also admits possessing P. 57, a manuscript of seditious material.

The discovery of P. 53-4 in his possession is testified to by Sub-Inspector, Police, Haider Ali and Zaildar Hazara Singh, and Sub-Inspector, Police, Haider Khan (p. 220) proves the discovery of P. 57 on the 29th of June 1915.

Arjan Singh (p. 200) corroborates that in February he gave a *Ghadr-di-Gunj* to Kapur Singh, which he had obtained, he says, from accused 32 and Banta Singh (W. B.).

Bachan Singh (p. 187) states that Pakhar Singh (62) had a manuscript *Ghadr-di-Gunj* in Dhudike, from which he read for witness' edification. (g) In Dhudike.

In addition to these instances of the *Ghadr-di-Gunj* we have to notice the discovery, by Sub-Inspector, Police, Ishar Singh (p. 221), of P. 70, an advertisement of seditious books, published by the Bharat Mata Agency, in the house of accused 69 on the 22nd of June 1915. The Bharat Mata productions.

This advertisement refers to Baghi Masih, Mohibban-i-Watan, Bhagawat and other equally seditious productions.

We have also to mention the discovery of a book (p. 80) called *Naujawan Utho* in the house of accused 65 on the 22nd of June 1915 by Inspector Nand Singh (p. 228) and Kaku Singh (p. 229). *Naujawan Utho.*

In conclusion we have to refer to some other incidents, relating to the propagation of seditious literature.

Sunder Singh, A.M. (p. 157) states that Buta Singh (hanged) and accused 17 told him some revolutionists would come to Asa Majra, to see if they could start a press there, but the proposal never materialized; Mr. Slattery (p. 354) and Sodhi Inder Singh (p. 375) depose to accused 12 having a duplicating apparatus in the *Tosha Maru*, in which there was a seditious manuscript, and Ram Chand (p. 284) states accused 70 handed over to the police a hand-printing machine (P. 108 B.) on the 22nd of August 1915, a fact to prove which Nand Singh (p. 284) was also tendered. A press in India.

We are perfectly satisfied that the *Ghadr* newspaper, along with its progeny, was distributed in every place, where the revolutionists hoped to gain adherents, and particularly among troops; and that its calculated falsehoods and incitements were instrumental in turning to disloyalty many men.

(6) The Manufacture of Bombs.

In the Lahore Conspiracy Case we showed that the *Ghadr* newspaper recommended the use of bombs. We also saw that, *en route* to India, the manufacture of bombs was frequently discussed, and that on arrival these proposals were constantly mooted. In L. C. C.

We also saw that it was arranged to bring up a Bengali expert from Benares; and that, on the 31st December, a bomb was made and tested near Amritsar; after which, bomb cases were arranged for at the Raghu Foundry, and materials were purchased in Lahore and Amritsar.

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We also saw that in January, Jhabewal, a village in the Ludhiana District, was selected as a convenient centre for preparing bomb ingredients; and that materials were procured in Ludhiana and taken there. We also saw that, owing to police investigations, the bomb materials were removed from Jhabewal to Lohatbadi.

The evidence then given establishing these facts, now summarized, has been again given in this case. We have also had evidence establishing the discoveries then produced; also evidence regarding Puran Singh's (L. C. C.) bomb and the Meerut bombs.

It is quite unnecessary for us to again discuss this evidence, the conclusion we arrive at is exactly the same as before, *viz.*, that there was an extensive preparation and use of bombs.

Additional evidence.

We have, however, in this case some additional evidence.

(1) In 23rd Cavalry.

The most important point now revealed is the manufacture and preparation of bombs in the 23rd Cavalry at Mian Mir. The evidence on this matter we have discussed in detail in the section dealing with the seduction of troops.

(2) In Lohatbadi and Asa Majra.

The second matter we may refer to, is the additional evidence we have in regard to the manufacture of bombs in Lobatbadi.

Sunder Singh of Asa Majra informs us (p. 157) that, in December, Ichra Singh of Lohatbadi suggested they should start making bombs for revolutionary purposes; and Kartar Singh (42) said he would make them. Nothing, however, so far as he knows, was done until after the Rabhon and Jhaner dacoities, when he sent Karm Singh (41) to Lohatbadi to find out what the police were doing in regard to the Jhaner dacoity. Karm Singh returned, saying Nidhan Singh (L. C. C.) and others were busy making bombs, and he had offered to help, but hearing the police were making enquiries the party had broken up. Some days after, Buta Singh (hanged), accused 98 and 17 came to Asa Majra and suggested making bombs there. Accused 98 and 17 stated they required *lotas* with screw tops; so witness and accused 41, 42 and 98 went to Patiala, and bought some *garwas* (P. 38) there and returned to Asa Majra. Returned there, they went along with accused 31 to Randhir Singh at Gujarwal, he having sent for them to a meeting, carrying with them seven of these *garwas*. After a secret meeting at Gujarwal, accused 98 and 41 took the *garwas* with them, saying they would manufacture bombs, either at Lili in the house of Chuhar Singh (L. C. C.), or of Nand Singh (L. C. C.).

After the collapse in February Ganda Singh (17) came to him at Asa Majra, and told him bombs had been made and buried near the Doraha bridge, and some material had been left in the house of Nand Singh (L.C.C.).

Udham Singh of Hans (p. 196) also tells us Nidhan Singh (L.C.C.) brought bomb materials to Lohatbadi; and Kala Ram of Patiala (p. 284) testified to selling 3 *lotas*, like P. 38, to Sundar Singh, A. M., and 2 others on 14th *Phagan*, his books corroborating the actual sale.

(3) At Doraha.

We also have additional evidence regarding the use of bombs at Doraha.

Bhagat Singh (p. 170), who was in the Doraha bridge affair, tells us that Nand Singh (L. C. C.) and Gandha Singh (17) had with them 6 bombs on that occasion, similar to P. 38, and some acid. Prior to the proposed attack, part of the materials of one bomb were extracted, and tested successfully with the acid, whereon Ganda Singh instructed them how to use the bombs when attacking.

When the project was abandoned, the bombs were buried on the suggestion of Gurmukh Singh (L. C. C.); and after the arrest of Nand Singh (L. C. C.), of which he heard from Arjan Singh (2), he went on the 10th March to where the bombs had been buried, but found they had already been removed; and he heard later, from Nawab Khan of Halwara that Nand Singh (L. C. C.) had handed them over to the police.

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Anokh Singh (p. 246) also tells us that, in the Doraha bridge affair, Gandha Singh had bombs in his possession, which he tested, and the use of which he explained; and, after the attack was abandoned, Gandha Singh proposed to bury them near the canal.

(4) In Dhudike.

We also have new evidence as to bombs in Dhudike.

Bhagat Singh (approver) tells us (p. 171 *et seq.*) a story of how he got concerned with bombs in Dhudike.

He certainly bought materials, for he discovered some to the Police, but there is no evidence as to actual manufacture.

Sub-Inspector of Police Haider Ali (p. 220) testified to Bhagat Singh discovering bomb material on the 17th June, near Ballowal; and he is corroborated by Zaildar Hazara Singh.

Bir Singh (p. 222), testifies to the sale of chemicals to Bhagat Singh, Arjan Singh (p. 200) gives evidence also as to bombs being arranged for for the Kapurthala raid, but it is unnecessary to follow his account here.

We may now refer to some miscellaneous incidents, now proved for the first time.

(5) In Barar.

Fauja Singh, *lambardar* (p. 276), states he saw Maghar Singh (51) and Puran Singh preparing a bomb in Barar; and thereafter he procured potash from Nabi Bakhsh of Khiala, and gave it to Puran Singh of the 23rd Cavalry in Lahore. How far he can be relied on against individuals we will consider later—his evidence has been attacked by Counsel on the grounds of enmity.

Circle Inspector Dhanpat Rai deposes (p. 254) to finding glass phials, in the house of accused 51 on the 28th May 1915; and he is corroborated by Thakur Singh, *lambardar* (p 255).

There are two more entirely new incidents testified to; one relating to bombs in the 26th Infantry at Ferozepore, the other to the explosion of a bomb at the Shalimar gardens near Lahore.

(6) In 26th Infantry Lines.

In regard to the first incident, Teja Singh, late of the 26th Infantry, tells us that Kirpa Singh (46) promised to bring men into lines to teach the seditious sepoys how to make bombs; and some days later he went to Kirpa Singh's quarters in the hospital, where accused 46, Buta Singh *jamadar*, Pingley, and others were sitting, and Pingley and a Sikh gave them directions as how to make bombs.

(7) At Shalamar.

The second incident is deposed to by Sub-Inspector of Police Sawan Mal and Police Constable Amar Chand (p. 305); who depose that, while on duty at the Shalamar fair on the 27th of March 1915, a bomb was thrown at them, and Mul Singh (p. 115) informs us that Prem Singh (67) told him it had been thrown by a member of the revolutionary party.

There can be no doubt, therefore, that the revolutionists manufactured several bombs for use in the waging of war; and that bombs were used on several occasions in dacoities, in attacks on railway bridges, and in attacking police officers, and were distributed among troops in Meerut, Lahore, Ferozepore and elsewhere.

(7) The Collection of Arms.

The *Ghadr* references.

In our judgment in the Lahore Conspiracy Case we showed that, from the earliest days, references to the collection of arms were made in the *Ghadr* newspaper. The same evidence, the *Ghadr* itself is in evidence in this case.

We also saw that that the United States of America and Canada formed one of the sources of supply; and we have the evidence of Nawab Khan, then discussed in detail reproduced in this case.

United States of America and Canada, and the Far East sources.

We also saw that *en route* from America arms were collected; and the evidence on this point of Amar Singh, Nawab Khan, Mr. Slattery, and in regard to the importation by Nidhan Singh (L. C. C.) has been repeated before us in this case.

We have, moreover, some new evidence in regard to the procuring of arms outside India.

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Sunder Singh, W. G. (p. 73) informs us that as he left Shanghai for Hong Kong, Gujar Singh (18) told him he would himself follow, when he had procured pistols; and that at Hong Kong, he saw Balwant Singh, the cousin of Kirpal Singh *spy*, with 100 cartridges; that Harnam Singh (24), on arrival at Hong Kong, told him he had brought from Shanghai a number of pistols in a false-bottomed box, which he had deposited with a watchman; and that as he left Hong Kong, accused 8, 75 and Mathra Singh L. C. C.) said they would leave the Far East from some other port, whence they could ship arms without being searched.

Sub-Inspector of Police, Shabir Hussain (p. 341) testifies to correspondence with the Hong Kong Police, through whom it was found that a pistol found in the house of accused 81, who had been a Policeman in Hong Kong, had been missing since January 1914 and belonged to the Hong Kong Government; and the same witness proves the discovery of this pistol in the accused's house at Thikriwala on the 30th of March 1915, for which accused has already been sentenced under the Arms Act.

Collection of arms *en route* to India.

In regard to the collection of arms *en route* to India, Sunder Singh (W. G.) states that, at Singapore, he learnt that the man on the *Komagata Maru*, then in harbour, were armed with pistols; and in Calcutta, he learnt that the arms on the *Komagata Masu* had been supplied by Sohan Singh (L. C. C.) in Japan. This latter information he also received later at Amritsar from accused 18.

Balwant Singh (p. 140) speaks of arms being brought on the *Mashima Maru* from Shanghai; and says that Nidhan Singh and accused 22 collected money on that vessel wherewith to buy arms; and Sunder Singh (accused 85), who came home on the *Nam Sang*, stated in his retracted confession that Gujar Singh (18) had 5 pistols on board in a false-bottomed box, which he handed over to other Sikh passengers.

It will be remembered that in the Lahore Conspiracy Case we found it established that arms were supplied by German sympathizers in Shanghai; and Nidhan Singh left with them in his possession.

Mula Singh repeats that evidence before us now, and asserts the intermediary was Karm Chand, Kohli (40), an allegation we will deal with later; and Umrao Singh also gives the evidence he gave before on the point.

Balwant Singh (p. 140) tells us, no doubt referring to this incident, that, after leaving Hong Kong, he heard Dhian Singh (F.M.) ask Nidhan Singh (L. C. C.) what had happened to the two boxes of pistols; and the latter said they had been thrown overboard through fear of a search; but we have every reason to believe that these pistols were actually used in the Ferozeshahr murders.

Of course it is quite impossible for us to trace even a considerable amount of the arms procured outside India; we can only indicate from scraps of evidence that arms were so procured; and, besides giving what specific instances there are, we can refer to the beliefs some of the revolutionists had on this point.

There is no doubt that the advance party from Shanghai knew of the coming migration from the States, and expected the latter to arrive with a full equipment of arms; for Sunder Singh (W. G.) tells us that they left for India on the definite promise that, on arrival, they would be supplied with arms; and that at Calcutta he was told that the rising would begin as soon as this party did arrive with arms; and also that the rising, originally planned for the 15th November, was postponed owing to the non-arrival of arms. He also tells us that at the Jhar Sahib Lal Singh (L.C.C.) told him arms were coming from America.

Surain Singh, late a sowar in the 23rd Cavalry, states he heard in November from Sucha Singh that the emigrants, returning from America, were in possession of arms; and Amar Singh (p. 240) informs us that accused 36, when inducing him to join the revolutionary movement, told him the returned emigrants had collected arms.

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Anokh Singh (p. 243) gives similar evidence as to what he heard from Nidhan Singh (L.C.C.) ; and Natha Singh (p. 93) states he heard from Jagat Singh (L.C.C.) that Gujar Singh (18) was expecting a consignment of pistols from China, out of which he, witness, would be given one.

Achhar Singh of the 23rd Cavalry (p. 148) also says he was told a large consignment of arms had been despatched from America to India, but Government had seized them.

The obtaining of arms from Bengal and down country.

We saw also in the Lahore Conspiracy Case that arms were either procured or expected from Bengal. The evidence of Amar Singh, Mula Singh, Jawala Singh, Umrao Singh and Ichra Singh on this subject has been repeated in substance in this case.

In addition, Sunder Singh (W. G.), (p. 78), gives evidence on this point. He tells us that in November he met Jagat Ram (L.C.C.), Kartar Singh (L.C.C.) and Gujar Singh (18) ; and the two former told him they were going down to Bengal to get arms, and that, while returning, they would leave the arms procured at some wayside station, and accused 85 had been deputed to meet them, and take over such arms between Beas and Jullundur.

Kala Singh (p. 107) also heard of an expected consignment from down country ; for he states Gujar Singh (18) told him early in November, that a sack containing pistols was coming shortly to Khasa, and arrangements were discussed as to their being taken delivery of.

Amar Singh (p. 240), Sunder Singh (A.M.), (p. 153), Chanan Singh, the son of Lal Singh (L.C.C.), and Udham Singh of Hans (p. 195) also refer to hearing of arms coming from down country.

In his statement to the Magistrate, Ganda Singh (15) stated he heard a consignment of pistols had been intercepted *en route*.

There is no doubt that the revolutionists coming from America and the Far East were disappointed, on arrival in India, in finding the supply was below expectations. Why it was so we do not know ; it may be that they were to some extent deceived as to the arms available ; it may be that, with the early seizure of some of the organizers and leaders of the migration, the knowledge of where the arms were was lost.

However that may be, there is no doubt that the revolutionists, who had escaped arrest, and those who joined them in India, proceeded to make good the deficiency to the best of their ability ; and on this point we have some new evidence.

The procuring of arms in November and their use at Jhar Sahib.

Sunder Singh (W. G.), (p. 77), Natha Singh (p. 92) and Kala Singh (p. 106) give evidence as to the preparation of *chhavis* and *Gandasas* through Lal Singh (L. C. C.) and assert it was at Gujar Singh (18)'s request he did get them prepared ; and Sunder Singh accused (85), in his retracted confession, admitted being asked to get *chhavis* made, which he was, however, unable to do.

The *chhavis* prepared by Lal Singh were in evidence at the Jhar Sahib gathering on the 26th of November ; and, while referring to the evidence on this point, it will be convenient to refer to some other arms at the Jhar Sahib.

Sunder Singh (W. G.) tells us the great majority of men assembled at Khairon on the 27th November were armed with *chhavis* ; and he gives an account of how some of these *chhavis* and other arms were eventually taken to Guru Gar Sultani, where they were deposited with one Ram Singh, servant of the *mahant*.

Natha Singh, approver, states he saw *chhavis* at Jhar Sahib, Khairon and Sarhali, and gives the same account as Sunder Singh does as to what happened to some of them.

Kala Singh (p. 106) gives somewhat similar evidence and 2 *chhavis*, he says, were given to accused (35), who delivered them (P. 25, A. B.) eventually to the Police.

Ram Singh and Kanda Singh of Dhun corroborate Natha Singh and Sunder Singh (W. G.) disposing of some of these arms.

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Sunder Singh (accused 85) and Thakur Singh (93) in their retracted confessions, stated men at Jhar Sahib had *chhavis* and swords.

The discovery of P. 18, A. B. C. and 19, at the house of Natha Singh, on 16th of July 1915 and 20th of July 1915 is proved by the evidence of Sub-Inspector of Police Sayad Ijad Hussain (p. 272) and Zaildar Khushal Singh (p. 273).

Sub-Inspector of Police Feroze Din (p. 251) asserts that on the 15th of September 1915 accused (35) produced *chhavis* (as well as other arms) from a *chhappar* near the Jhar Sahib; and the discovery is corroborated by Tek Singh, Lambardar, and was admitted, in his retracted confession, by Bhog Singh (5), while Jassa Singh (35) asserted that Kala Singh, approver, produced the *chhavis*.

As regards other arms at the Jhar Sahib, Sunder Singh (p. 81) tells us Natha Singh had a sword; while at the Khairon mound Sultan Shah (84) had a sword, Inder Singh (L. C. C.), Teja Singh (90) and he himself *chhavis*, and Prem Singh (67) a sword.

Natha Singh (p. 95) states he had a sword, Teja Singh (90) a sword, Ganda Singh (15) a dagger and knife, Lal Singh a sword, and Prem Singh at Khairon a sword, Sultan Shah (84) a sword, which he said had belonged to one *Nizam*, a dacoit; and Kala Singh (p. 108) also saw Natha Singh (approver) with a sword Lal Singh (L. C. C.) with a sword, and Ganda (15) with a *chhura*. Kala Singh (p. 109) states he saw other weapons at Jhar Sahib; and, on arrest, told the police Santa Singh had told him accused 5 and 35 had a *chhura* and sword. The *chhura*, P. 26, he identifies as once belonging to Lal Singh (L. C. C.); and P. 21 as accused 15's, from whom he got it.

Chanan Singh deposes that, about the 21st November, he saw Natha Singh at Bhure with a sword, and accused 15 with a knife (P. 26) which he afterward saw with his father.

Teja Singh (p. 20), in his retracted confession, stated that Natha Singh (approver) had 2 swords, Ganda Singh (14) 2 knives, *en route* to the Jhar Sahib, and Sultan Shah a sword at the Jhar Sahib.

Bhog Singh (accused 5) in his confession said Lal Singh gave him a sword, Prem Singh a sword, and Kala Singh (approver) a *chhura* and sheath after the Sarhali fiasco; all of which he threw down a well, and on 17th September 1915 he handed them over to the Police.

Kesar Singh (accused 45), in his confession, referred to Lal Singh (L. C. C.), Nathu (61), Natha Singh, accused 15 and 56 having swords at Khairon, and Sultan Shah (84) stated he had a sword with him at Khairon, which he subsequently handed over to Banta Singh.

Sub-Inspector of Police Feroze-ud-Din (p. 251) testifies to accused 5 discovering 2 swords (p. 29 A. B.), and the knife, P. 26; and Ganga Singh (p. 251) corroborates.

This disposes of the evidence we have that the Jhar Sahib gathering was armed; and it is conclusive on the subject.

Thefts from regiments.

We have referred to Prem Singh (67) being in possession of a sword. The history of this sword (p. 18 C.) illustrates another method the revolutionists adopted to secure arms, *viz.*, by inducing perverted sepoys to give their regimental arms up. The evidence of Sunder Singh (p. 81), Ganda Singh (p. 117), Surain Singh Balwant Singh (p. 143), Rasaldar Chogatta Singh (p. 258) establishes that the sword was given to accused 67 by men of the 23rd Cavalry, since executed by order of court-martial.

Sunder Singh (p. 79) tells us that Kala Singh (the W. B. murderer) enlisted at Mian Mir, with the express object of thereby getting a rifle; but, finding he could not get one, he promptly deserted.

The procuring of arms from Patiala and their collection at Lohatbadi.

In the Lahore Conspiracy Case we had the evidence of Ichhra Singh, Sewa Singh, Udham Singh, Narain Singh, Thakur Singh and Circle Inspector Sher Sahai as to the obtaining of arms in Patiala, their collection at Lohatbadi, and discovery there.

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This evidence has been repeated before us in this case. We have, however, more evidence on this matter; for one of the persons engaged very actively in this matter is the approver Sunder Singh (A. M.); and Karm Singh (41) and accused 31, 42, said to be also concerned therein are now before us. Sunder Singh gives detailed evidence but as it more directly concerns particular accused we leave a consideration of it until later. All that it is necessary to say here is that we are satisfied that arms were collected in Lohatbadi.

Attempt at procuring from individuals.

Both Natha Singh, *Mahant*, and Sunder Singh, W. G., tell us that when they were returning from Lahore Cantonment, they stopped at Guru Sar Sutlani, from the *Mahant* of which institution they tried to get a pistol and some cartridges, but instead received some healthy and unpalatable advice; and *Mahant* Kirpa Singh and his servant Ram Singh (p. 255), testify to Natha Singh and 2 others coming to the *dharmsala*, making this request.

Arjan Singh (p. 199) tells us that, when he joined the revolutionists, he was asked by accused 32 and Rur Singh (L. C. C.), to purchase arms, and accused 32 told him to go to one Harnam Singh (not accused), and get a pistol from him, which would be paid for out of *Ghadr* funds. He was also told to get a *Safa-jang* from Narain Singh, which he ordered, but never obtained.

Bhagat Singh approver (p. 172) tells us he tried to get Bir Singh of Narangwal to make him a *chhavi*, but Bir Singh declined to do so; and Bir Singh (p. 222) corroborates this incident.

Anokh Singh (p. 426), states that, prior to the Doraha bridge affair, accused 36 obtained a revolver from the *Granthi* of Atalgarh.

Arms with particular accused.

We may now in the briefest terms refer to alleged possession of arms by particular accused.

Puran Singh (p. 122), Ganda Singh (p. 119), Mul Singh (p. 115), Wasawa Singh (p. 130), Achhar Singh (p. 149) and Sadhu Singh give evidence as to accused 67 having a broken revolver in the lines of the 23rd Cavalry, which the mistri declined to touch, and to accused 67 then taking it to accused 51 to repair.

Habib and Gokal Chand, both of Madhoke (p. 327), depose to accused 51 bringing a pistol for the former to repair, which he was unable to mend. These witnesses are alleged to have been found on the information of accused himself.

In connection with accused 51, C. I. P. Dhanpat Rai (324), proves the discovery of a miscellaneous lot of cartridge cases in his house on 28th May 1915; and he is corroborated by Thakur Singh, lambardar (p. 255). We may also mention the evidence of Puran Singh (p. 126), who says that he heard Wasawa Singh, Sowar, tell accused 28 that accused 51 could manufacture arms.

Other accused alleged to have possessed arms at different times are Ishar Singh (32), Udham Singh (98), Arjan Singh (2), Pokhar Singh (62), Mohindar Singh (53), Pala Singh (63), Harnam Singh (26), Ganda Singh (16), Hari Singh (22), Harnam Singh (24) and Sundar Singh (85) and the allegations against each will be dealt with in the individual cases.

In addition to this evidence, we have the same evidence as we had in the Lahore Conspiracy Case, in regard to arms collected in Amritsar and Lahore; and it is not necessary for us now to do more than merely refer to it.

It is hardly necessary for us here to refer to the use of arms. We know that several murders have been committed, that arms were used in dacoities, in the Ferozepore raid, and at the Jhar Sahib, at the Doraha bridge, and at the Kapurthala gathering of 5th of June 1915.

We know also that several projected and actual attacks were made on thanas, railway guards, magazines, arsenals, tehsils, *etc.*; one of the objects

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of which was to procure arms; but we propose to deal with these formidable efforts under a separate heading.

This evidence shows, beyond doubt, that the revolutionists procured arms from various sources, and were fairly well provided therewith, particularly with revolvers and automatic pistols; and had no hesitation in using them on any occasion.

(8) The Dacoities.

In L. C. C.

In our judgment in the first Conspiracy Case we discussed, in considerable detail, the evidence relating to the dacoities committed by the revolutionists.

It was established that the following dacoities were committed, with the object of procuring funds for the purpose of the revolution :—

(1) At Sahnewal, with murder, on 23rd January 1915.
(2) At Mansuran on 27th January 1915.
(3) At Jhaner, on 29th January 1915.
(4) At Chabba, with murder, on 2nd February 1915.
(5) At Rabbon, on 3rd February 1915.

We also showed that dacoity was, from the very beginning, one of the objects of the revolutionists.

Inasmuch as the same evidence has been produced before us in substance in this case, it is unnecessary for us to do more than say that we adopt the conclusions we have already arrived at and stated.

In regard to dacoities being one of the objects of the revolutionists from the earliest times, we have the following additional evidence.

Other suggestions.

Sunder Singh (W. G.) tells us (p. 86) that he asked the *Mahant* of Guru Gar Sutlani early in November for arms, in order to commit dacoities; and it is of interest to note that the witness tells us he saw Mula Singh, at the end of January, who asked him to join in the projected Chabba dacoity, which had been suggested by Wasawa Singh (L. C. C.); and he was also asked later to join in other dacoities by Bishen Singh (7), and Harnam Singh (L. C. C.), but by this time the witness had had enough of the rising and declined to do anything.

Sunder Singh (A. M.), (p. 153) also learnt from Ichhra Singh, in November, that dacoities were a part of the plan of campaign; and also that he had procured a horse with money, obtained in a dacoity; and that money, given in January, to buy arms with, was derived from a similar source.

Arjan Singh, approver (p. 199), asserts that Isher Singh (32) and Rur Singh (L. C. C.) asked him to join in dacoities; but, though perfectly willing to help otherwise, he declined to join in dacoity. Later Mahindar Singh (53), he says, told him Isher Singh had sent him to join in a dacoity, but he declined again.

Amar Singh (p. 240) also states he was approached by Jawand Singh (36), who told him returned emigrants intended committing dacoities; but he refused to join in any himself, and Kesar Singh (45), in his Magisterial confession, states that the famous Jagat Singh (L. C. C.), Inder Singh (L. C. C.), and Chanan Singh (W. B.) asked him to join in dacoities in November.

Balwant Singh (p. 140) tells us also that on the *Mashima Maru*, the returning revolutionists were made by Nidhan Singh (L. C. C.), Hari Singh (22) and others of the ringleaders to take oaths to raise money for the cause by dacoities.

Sahnewal.

The facts of the Sahnewal dacoity are testified to by Sucha Singh, Mussammat Sobhi, Umrao Singh, Umra Khan, Sub-Inspector of Police Muhammad Akbar, Durga Das, and Police Constable Mehr Khan, as in the first conspiracy case.

In addition, Anokh Singh, who since that case has been arrested, and made approver, states (p. 243) that on the night before the Sahnewal dacoity

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he saw, at Sucha Singh's rooms in Ludhiana, accused (6), (36), Mathra Singh, Kartar Singh (L. C. C.), Balwant (L. C. C.), Sucha Singh and other students, who were joined later by Kirpal Singh (L. C. C.), Jagat Singh (L. C. C.), Ram Rakha (L. C. C.) and Harnam Singh (L. C. C.). All but the students went off in couples ; and next day Jagat Singh (L. C. C.) and accused (36) came back, and they then heard of the Sahnewal dacoity.

Mansuran.

The Mansuran dacoity is testified to by Sucha Singh, Umrao Singh, Hamir Chand, Lalu Mal, Charanji Lal, Mahnga, Pohna Mal, Hari Ram, Jawala and Kishen Singh, and Sub-Inspector of Police Muhammad Khan, and Mula Singh in the same terms as in the first conspiracy case.

Additional evidence is now given by Anokh Singh (p. 243), who states that, on the day after the return of the Sahnewal dacoits to Ludhiana, he saw accused 36, Jagat Singh (L. C. C.), Sajjan Singh, Kartar Singh (L. C. C.), Sucha Singh, and Dalip Singh (deceased) at Sucha Singh's ; and he heard Kartar Singh give Dalip Singh instructions to take as many men as he could find to Mansuran. The witness also assisted by showing Jagat Singh (L. C. C.) and (36) the road there ; and next day Jagat Singh and Kirpal Singh (L. C. C.) returned, and told him of this dacoity, the proceeds of which accused 36 had taken to Amritsar, Jagat Singh explaining that the object of the dacoities was to get money for the revolutionary cause.

Jhaner.

In regard to the Jhaner dacoity, of the witnesses who gave evidence before us in the first conspiracy case, Ichra Singh, Udham Singh (Hans), Thakur Singh, Narain Singh, Sewa Singh, Wazira Mal, Babu, Hardwari, Head Constable Khushi Muhammad and Sub-Inspector of Police Ataulla repeat the substance of the evidence then given.

One of the persons, who was mentioned as having taken an active part in this dacoity, was Sundar Singh ; and this man has now been produced in evidence before us. He gives, to all intents and purposes, identically the same story as that given us by the witnesses in the former case.

He tells us (p. 154) that the first he heard of it was from Inder Singh (31), who told him a meeting would take place on the 17th *Magh* at Ichra Singh's *gurdwara* in Lohatbadi, when a proposal to commit a dacoity at Jhaner would be considered. He went with Inder Singh, and at Ichhra Singh's *chaubara* there was a meeting attended by Ichhra Singh, accused (17), (31), (98), Buta Singh (hanged), himself, and others, where Jhaner was discussed as a place for a dacoity. Next morning there was another gathering, including the same men, also accused (79) and Narain Singh, approver ; and there was yet a further gathering on the 17th *Magh*. At this meeting, Arjan Singh, the Anarkali murderer, Ram Rakha (L. C. C.), Hari Singh (L. C. C.), Nand Singh (L. C. C.), Udham Singh of Hans, Amli, accused (17), (41), (79), Ichra Singh, Thakur Singh and others were present. Accused (58) turned up, saying (69) regretted he was unable to come. Ichhra Singh suggested a dacoity at Jhaner to get money for arms ; and at 10 that night a party set out, consisting of accused (17), (41), Arjan Singh (Anarkali murderer), Nand Singh (L. C. C.), Hari Singh (L. C. C.), Ram Rakha (L. C. C.), Amli (79), Narain Singh, Arjan Singh (L. C. C.), and himself, armed with *gandasas*, swords and pistols. Arrived at Jhaner, the house of one Munshi was broken into ; Arjan Singh, Ram Bakha, Hari Singh and Amli entering and handing out the ornaments stolen to accused (41), while some boys were taken charge of by Narain Singh. From Munshi's house they went to Waziri's shop, which they battered into, and looted ; and thence to Waziri's house, which was similarly robbed. Leaving the village, they found Karm Singh (41) had gone off with some of the loot ; and returned to Ichhra Singh's *gurdwara*, where Karm Singh had already arrived. The loot was given to Ichhra Singh, and the witness heard later it had been melted down.

Udham Singh of Hans (p. 196), also gives us some fresh evidence in connection with this dacoity. He tells us he was present at the meeting at the Ichhra Singh's *gurdwara*, which was attended by Arjan Singh, accused (17), Ram Rakha, Amli, Hari Singh (L. C. C.), Sunder Singh, Nand Singh (L. C. C.),

and accused (41) ; and he also refers to accused (58) bringing a letter from accused (69). It was at this meeting the dacoity was determined on ; and he tells us Nand Singh, accused (17), Hari Singh, Ram Rakha, Amli, Arjan Singh, (41), and Sunder Singh left for the express purpose of committing it. About midnight accused (17), (41), Sunder Singh and Nand Singh returned with loot: and soon after Hari Singh and Amli turned up with more loot. The witness also tells us how some days later Rs. 1,000, part of the proceeds of this dacoity and part of the Rabbon one, were given to Nidhan Singh (L. C. C.) and Ishar Singh in his presence, on the directions of accused (98) to take to Amritsar.

Chabba.

The Chabba dacoity is proved before us by the evidence of Mula Singh, Udham Singh (who adds that it was at his express request that accused (67) consented to join in it), Hira chaukidar, Bhagwan Das, *Mussammat* Bhagdei, Kundan Lal, Jiwan Singh, Wir Singh, Tara Singh (1), Tara Singh (2), Asa Singh, Bulanda, Nikka, Buta Singh, Sub-Inspector of Police Kesri Chand, Liakat Hyat Khan, Amar Singh, and Colonel Smith, I.M.S. ; and we have, moreover, the evidence of the injuries sustained by Wir Singh (6).

Rabbon.

The Rabbon dacoity is proved by the evidence of Narain Singh, Ichhra Singh, Udham Singh Hans, Sub-Inspector of Police Muhammad Khan, Sub-Inspector of Police Haider Ali, *Mussammat* Sardi, Sewa Singh, Lahna Singh, Prem Singh, Ralia Singh, Khiwa, Head Constable Achhar Singh, *Mussammat* Kartar Kaur, Sub-Inspector of Police Ataulla, Circle Inspector Sher Sahai, identical with that given by them in the first conspiracy case.

We have also the additional evidence of Sundar Singh (A. M.), who though not actually in the dacoity, states he learnt, from Indar Singh (31), that the Lohatbadi gang had committed that crime, and the proceeds, which he himself had melted down, were with Ichhra Singh. On Indar Singh's advice he went to Lohatbadi, and there saw accused 17, 31, 98, Thakar Singh, and Buta Singh (hanged). Ichhra Singh informed him that out of the Rabbon proceeds he had kept Rs. 400, and despatched the rest to Amritsar by means of accused 98.

He alleges Indar Singh (31) and accused (42) later told him that 15 tolas of gold, part of this dacoity loot, had been sold by the latter in Patiala.

Attempted Dacoities.

In the first Lahore Conspiracy Case we had also a considerable amount of evidence in regard to other attempted dacoities.

In this case we have the same evidence in regard to attempts at Rajowana, Jandiali, Kartarpur, Jhabewal and in Nabha State. It is unnecessary for us to detail this evidence again.

Shaurain and Srigobindpur.

We have also to mention that dacoities were committed in pursuit of this revolution in Shaurain and Srigobindpur by revolutionists living in Thikriwala and Bhani, in the Gurdaspur District, but the men concerned therein have been dealt with by the regular courts.

Proposed dacoities.

We have now only to notice two other proposed dacoities, *re* which the evidence now produced is new.

Ghalib.

Bhagat Singh (p. 172) states that in March he was told by Arjan Singh (2) that a dacoity was contemplated at Ghalib, and that men were to assemble at Dhudike on the 21st for this purpose ; but the dacoity was, as a matter of fact, never committed.

Arjan Singh (p. 200) states Bhagat Singh asked him to join in this dacoity, but he refused ; and Nand Singh (p. 236) gives evidence to the effect that Arjan Singh told him he had heard from Bhagat Singh that Rur Singh (L. C. C.) had planned a dacoity at Ghalib, and had asked him to get men ready for it. Arjan Singh (2) told him also the dacoity was to take place on the 21st March, and men would meet at Kaonke for the purpose. He promised to join, but, through fear, failed to do so.

Doraha.

The second proposal is evidenced to by Bhagat Singh only. He states (p. 171) that, after the fiasco at Doraha, accused 17 asked accused 23 and

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himself to go on to Lil, and there await his arrival with men for a dacoity. He says they did so, but no one turned up to meet them.

It is beyond question, therefore, that dacoities were proposed, attempted and committed, sometimes accompanied with murder, by revolutionists waging war.

(9) The Collection of Funds.

We referred in our last judgment to collections of money. Some of those instances have been proved again in this case, and two new instances have to be added.

Sunder Singh (W. G.) tells us that Gurdit Singh of the *Komagatu Maru* wired to Shanghai, from some port in Japan, for money; and 500 dollars were collected; and also that after the Nankana fair Bishen Singh (7) and others went off to the Bar to raise money.

We are also informed that attempts were made in Bangkok to raise money from Indians there; and Mangl Singh (p. 306) states that accused 28 collected on boardship, returning from Bangkok in February.

But individual subscriptions, though given, were not of much importance; and, as we have seen, it was by dacoities that the revolutionists hoped to replenish their coffers.

(10) The Looting of Government Treasuries.

In the last case we showed how the *Ghadr* advocated the looting of treasuries; and how at Ladowal and Moga proposals were discussed, and also mentioned at Lohatbadi.

We have the same evidence now; and, in addition, Natha Singh (p. 92), informs us that, when he was approached by Budha Singh (8) and Chanan Singh (W. B.) to join the *Ghadr* movement, they told him the looting of thanas and treasuries was one of the party's methods of war.

Sunder Singh (p. 153) says he heard the same from Ichra Singh.

We saw also in the previous case, and it is in evidence also in this case, that one gang, while going to Moga, to loot the treasury there, on the 27th November 1914, were stopped at Ferozeshahr; with the result that Sub-Inspector of Police Bisharat Ali and Zaildar Jawala Singh were murdered; and we have already seen in this case that the Jhar Sahib array had, for its immediate object, the sacking of Sarhali thana, and then of the Tarn Taran Tahsil.

That these various efforts failed is due to no want of inclination on the part of the revolutionists; they failed for the simple reason that all were despicable cowards, ready to murder those who were defenceless or easily overcome, but very careful not to expose themselves, if there was any danger of their being overcome.

(11) The Collection of Animals.

Excluding the confession of Nand Singh, which we cannot consider in this case; and the instance of Bachna, referred to in our judgment in the first case, we have the same evidence as before, and it is not necessary for us to refer to it at any more length.

(12) Murders.

Propagation of murder by the *Ghadr*.

We showed in our judgment in the first Conspiracy Case that murder of all who supported Government was an integral portion of the *Ghadr* policy.

We have before us the *Ghadr* file in this case and it is unnecessary for us to refer again to its sanguinary incitements. Nor is it necessary for us to repeat the evidence previously given, and again in this case, showing that murder was a constant theme of discussion in America and in India. It will suffice to refer to Mula Singh, who tells us definitely that the massacre of Europeans was one of the matters he was told he must direct, when leaving San Francisco.

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Murder discussed in the 23rd Cavalry.

Before coming to actual and attempted murders, we may briefly mention the evidence as to the discussion of murders in the 23rd Cavalry.

Puran Singh (p. 125) tells us he heard from Hira Singh (28) that some of the returned emigrants had undertaken to murder S. Sunder Singh, Majithia, and S. Rur Singh of Amritsar.

He also tells us that in November 1914 he heard men of the 23rd Cavalry were detailed to murder their officers in the Mess, the European residents in Mian Mir and Risaldar Major Hassan-ud-din Khan and Risaldar Yusuf Khan.

He also deposes to a discussion, in March, about murdering European and Indian officers of the regiment; and Wasawa Singh (p. 132) and Achhar Singh (p. 149) depose to the same incident.

There is also evidence that accused 67 and others plotted to blow up the Mess of the 23rd Cavalry, by throwing a bomb among the officers while at dinner.

The array of murders, that can be placed to the credit of the revolutionaries, is considerable.

The Ferozeshahr murders.

The first murders in order of time were those of Sub-Inspector of Police Bisharat Ali and Zaildar Jawala Singh at Misriwala near Ferozeshahr on the 27th November 1914.

These murders were the subject of an independent case before the Sessions Judge of Ferozepore; and the result was the conviction and execution of seven men, who had returned from the States and Manila for the purpose of waging war.

An eighth man concerned in these murders is accused 17; and, during the pendency of this main case, he has been tried and convicted by this Tribunal; and has since been executed.

There is no one now before us, directly concerned in the actual murder, and it suffices for us to show that the murder was by revolutionists and a pursuit of the revolution.

On the 25th November 1914 certain of the revolutionists, after the abortive attack on Mian Mir, went down to Ferozepore with the intention of attacking the arsenal there on the 30th November. To fill in the time an armed party decided on going to Moga, to attack the Treasury there, and obtain money and arms. One gang went by train to gather others together for the attack; and one gang of 15 men, armed with revolvers and *takwas*, left Ferozepore for the enterprise by road. On the road they were met by the Thanadar, who stopped them; and when he was about to search them, they opened fire on him, shot him dead, and, in covering their retreat, murdered Jawala Singh. There was a long running fight, ending in 2 of the gang being killed, seven being captured, and 6 escaping.

Not only from the previous history and connections of these murderers do we know they were of the revolutionary party, but in this case we have the evidence of Sunder Singh (W. G.), Sunder Singh (A. M.), Ichhra Singh and Jowala Singh establishing the same conclusion; and the actual murders are deposed to by Sher Singh (p. 343), Sardara Singh, Karim Bakhsh, Lambardar (p. 344), Head Constable Muhammad Sadiq Kahn Singh, Sub-Inspector of Police, Miran Bakhsh, and Phangan.

Not merely were these murders committed in pursuance of revolutionary designs; but they were murders committed by men, actually in arms, waging war and resisting authority.

The Sahnewal murder.

The next murder in order of time was that of Khushi Ram, in the Sahnewal dacoity on the 23rd January: and this was follwed by the murder of Beli Ram in the course of the Chabba dacoity on the night of the 2nd of February.

The Chabba murder.

These last mentioned murders, though they were murders committed by revolutionists in pursuance of acts of war, are not quite on the same footing as other murders. In so far as the men murdered were concerned, there was no political object to be served in killing them.

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It is quite different with the series of murders we have now to consider.

The Anarkali murder.

The fifth victim of the revolutionaries was Head Constable Mahsum Ali Shah, who was murdered by Arjan Singh in Anarkali Bazar on the 20th February 1915. This was the day after that on which the revolutionaries had arranged for a general conflagration throughout India ; and Mohsum Ali Shah, suspecting Arjan Singh, who was in the company of 2 others, tried to arrest him and was at once shot dead. A Sub-Inspector of Police who was with him was also wounded.

Apart from his connection with the Anarkali murder, Arjan Singh, who has long since been executed, was one of the most desperate of the revolutionaries, returning to India for war ; being in the projected Moga attack, and in several of the dacoities, notably that at Chabba.

Sunder Singh (A. M.), (p. 161), who had been with the Ferozepore raiders, now tells us he met Banta Singh (hanged) at Asa Majra, and a few days later, Banta Singh told him he, Harnam Singh (L. C. C.), Arjan Singh (A. M.) and another man had gone from Ferozepore to Lahore to find out what the party was doing in Lahore, and that, in the bazaar, they had been stopped by a Sub-Inspector of Police and a sergeant, both of whom Arjan Singh had shot dead, and had then been captured, but all the others including Banta Singh had escaped.

Anokh Singh (p. 246) who was also at Ferozepore on the 19th February and came to Lahore with Harnam Singh (L. C. C.), Gurmukh Singh (L. C. C.), and accused 36, met Gurmukh Singh at Lahore station on the night of this murder to go to Ludhiana; and from him he learnt Arjan Singh had murdered a police sergeant in Anarkali, and been arrested, while accused 36 (absconder) and Harnam Singh had escaped.

These latter two men joined Anokh Singh and Gurmukh Singh at Mian Mir ; and all went on to Ludhiana together. This meeting is in a way corroborated by Sant Ram (p. 290), booking-clerk at Lahore Cantonment East ; who states that on the 20th of February 1915, 2 tickets (3rd class) were issued from that station to Ludhiana.

This clearly establishes, if the fact wanted establishing, that this murder was by revolutionists in prosecution of their design of waging war.

The Nangal Kalan murder.

The next murder, in order of time, is that of S. Chandan Singh, who was murdered on the 25th April 1915.

This zaildar had been instrumental in securing the arrest of Piara Singh, a person accused and convicted in the Lahore Conspiracy Case ; and he was murdered by Buta Singh and Banta Singh, leading revolutionists, on this account. These two men were sentenced to death by this Tribunal, and have been executed.

The Jagatpur murder.

The seventh victim was Sardar Bahadur Ichhra Singh, who was murdered at Jagatpur on the 4th June 1915 by Kala Singh and Chanan Singh, simply because, he, as a loyal citizen, had done his best to counteract the campaign of malignant falsehood in regard to the Rikabganj *Gurdwara* which the revolutionaries were using as a means of inflaming Sikhs against Government. These two murderers, it may be noted, were prominent figures at the Jhar Sahib in November.

The Walla Bridge murders.

The next 4 victims were killed on the night of the 11th June.

We will see in discussing the Kapurthala raid that a party of men left for the express purpose of attacking the Walla Bridge and returning by the 12th with arms for a raid on the Kapurthala magazine.

The Walla Bridge was attacked on the night of the 11th June; 2 men of the 42nd Deolis being murdered in the attack ; and, after the attack, 6 of the attackers went *viâ* Gondwal, with the arms there captured, back into Kapurthala territory. On the way back, this gang murdered two more men ; and of these six murderers, five have been arrested, and, under sentence of this Court, executed. They were Chanan Singh and Kala Singh (both frequenters

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of the Jhar Sahib, and murderers of Sardar Bahadur Ichhra Singh); Banta Singh (one of the murderers of Sardar Chanda Singh and one of the leading revolutionists); Atma Singh and Harnam Singh.

In that case the only men before us were those 5, who had escaped *viâ* Gondhwal. All that was then definitely known was that the bridge had been attacked, men murdered, and an escaping party pursued and captured.

The genesis of the attack, the wandering of the gang, and its full composition were not then known.

In the present case, besides the absconder 36, we have Bachan Singh, approver, who says he was one of the murderers, and Rup Singh (72), who is alleged to have been one of the men attacking the bridge, and who, with Bachan Singh, is alleged to have returned to Kapurthala by a route other than that taken by the other murderers.

It is necessary, therefore, in this case to go into the story of the Walla Bridge murder in detail, so far as regards accused 72's share therein is concerned—our conclusions with regard to him will be found in his individual case.

We will later see that on the 5th June there was a meeting at Kapurthala, with a design to attack the magazine there. This design was for the time being abandoned, and it was arranged to meet again for the purpose on the 12th June.

Bachan Singh (p. 189) tells us that it was decided to fill in the time by an attack on the Walla Bridge to secure arms for the projected attacks of the 12th June.

Eight men, *viz.*, Chanan Singh, Kala Singh, Banta Singh, accused 67, 36, 70, 72, and witness were selected for this assault.

This party started off together; but later split into two sections, the one consisting of accused 67, 72, 36 and witness, the other of accused 70, Banta Singh, Kala Singh and Chanan Singh. The first-named party went by Gondwal ferry and Tarn Taran to Khera, where 67 sent accused 36 to the *gurdwara* to find Atma Singh and Harnam Singh. Prem Singh (67) took them soon after to the *gurdwara*, where they met Atma Singh and Harnam Singh, and the latter were asked to get further assistance. Harnam Singh brought one Ujagar Singh, who, however, declined to assist. The next day the original party of four left Khera, but, on the way, 67 sent 72 back to Harnam Singh's for a bottle of acid, with instructions to wait there. The rest went on to an arranged rendezvous; but the other party of four did not turn up. As a result, accused 67, 36 and witness went on to Chubbal, thence to Malwal, where a vain effort was made to induce Dial Singh to help, and 36 was sent back to Khera. Accused 67 and witness proceeded to a canal bridge, stopping *en route* at a *dhera*, where they saw 3 or 4 Sadhus. They spent the night near the canal bridge, and next morning Prem Singh (67 went to Amritsar to look for the other party of four, while witness returned to the Khera *gurdwara*. At Khera witness met Harnam Singh, Kala Singh, Atma Singh, Chanan Singh, accused 70, 36, and 72 and Banta Singh. This party set off for the Walla Bridge along with another man, who, however, left them on the road. Reaching the bridge they reconnoitred, but finding the sentries on the alert, they got no opportunity to attack them, and consequently, in the morning, withdrew, and it was arranged to meet at a well near Sur Singh with a view to go and murder Kapur Singh at Padri. Roda Singh (70) parted from them in anger at the failure to attack, and took no further part in the affair. Lachhman Singh (36) and Banta Singh went off to Padri, Kala Singh and Atma Singh stopped at a village *en route*, and the others went to a *gurdwara* at Chubbal for food, eventually going on to the well at Sur Singh, where they were again joined by 36, Banta Singh, Kala Singh, and Atma Singh, the two former telling them it was impossible then to kill Kapur Singh. They stopped the night at a *sarai*, all but Kala Singh and Chanan Singh, and, in the morning, they again decided to essay an attack on the Walla Bridge. Banta Singh and 36 went off first; Harnam Singh, Atma Singh, 72 and witness went to the *dera* of Jata Dhari for food, where they also saw a lambardar, who went off with the *Sadh* to pay revenue into the Tarn Taran treasury. From here they went on and found Banta Singh and 36, and

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were soon joined by Chanan Singh and Kala Singh on the canal bank. After some hesitation, they went to a culvert, a mile from the Walla Bridge, where they left their clothes and shoes, and thence to the bridge itself. Arrived near the bridge, Banta Singh and 36 reconnoitred, and returned saying the sepoys were awake, so the gang waited till between 1 and 2 A.M. when they heard a train coming from the Ludhiana direction. They decided to make their attack as the train got on to the bridge. It was arranged that Banta Singh and 36, who had a pistol and a *chhavi* respectively, should kill the sentry, while the rest rushed the guard. This scheme was carried out. As the train crossed the bridge, they made a united attack. Banta Singh fired 2 or 3 pistol-shots into the sentry, and Lachhman Singh (36) s truck him with his *chhavi*, and the rest overpowered the guard, some of whom sheltered under iron sheeting, and one bolted down the embankment. Kala Singh seized the rifle of the sentry, and shot him dead as he lay wounded, and one sepoy, who caught hold of Kala Singh was felled with *chhavis*, shot dead by Kala Singh, and his body thrown into the canal. Witness is positive Rur Singh (72) was with them when they rushed the guard, but he had made off by the time they had collected the rifles of the guard from the tents, and awaited the others by the culvert, where the clothes had been left. Witness states they gathered up the accoutrements and rifles, and Banta Singh and Kala Singh donned turbans and a *kurta* of the sepoys, and the rest of the clothes were made into a bundle and handed over to Rur Singh (72) and witness, Chanan Singh who had a bomb gave it and some glass bottles to witness.

Witness and Rur Singh were told to go off to Kapurthala, while the others departed with the rifles in another direction, and, as we saw, in the murder trial, they were pursued and five caught.

Rur Singh and witness proceeded to Jandiala, throwing away a haversack (p. 59) into a well. At Jandiala they had food at a shop, and then they proceeded *vid* Butari and Kartarpur to Kapurthala. Arrived at Kapurthala they met 67, and gave the bundle of clothes to "Havildar" Bhagwan Singh, except a *chadar*, p. 61, which had belonged to Atma Singh, and which witness kept, as his own p. 60 had got burnt by acid. The witness also states that Rur Singh (72) and 36's turban (p. 62), which he got on the way from 36 in exchange for his own. From Kapurthala, 72 and witness went to Uqqi Chithi, where they had food at the *dera* of Hira Das; then to Gandhran, where zamindar gave them food and a night's shelter, then to Sohal, where they had food at the house of *Mussammat* Karmo, then to Janatpura, where they stopped at the house of Kala Singh, then to Sheikh Daulat, staying at the house of witness's uncle Nigaia, and finally to Dhudiki. He states that Lachhman Singh (36) came and told him that, after the murders, they had crossed the Beas at Gondwal and buried the rifles, and that while the others had been arrested, he had got away.

We have given this story in some detail, because, naturally, there is no other evidence as to the actual murder, and the question of Rur Singh's complicity depends on how far this story of the approver's is substantiated by evidence as to the surrounding circumstances, to which he deposes.

The first witness is Amar Singh, II, approver (p. 241), who was at the Kapurthala meeting on the 5th of June. He tells us that at that meeting Prem Singh (67) suggested the attack on the Walla Bridge to secure arms, for use in the projected attack of the 12th June on the Kapurthala magazine. He states that Prem Singh (67), Kala Singh, Chanan Singh, Banta Singh, accused 36, 70, 72 and Bachan Singh, approver, volunteered for the enterprise, but witness left before they set out. This evidence is identical with Bachan Singh's.

A brief account of the actual murder, which we have discussed in the trial, therefore, is given in this case by Randhir Singh (p.250), one of the wounded sepoys, but he is unable to identify anyone.

Bachan Singh's story of their movements is corroborated also by a number of witnesses. Dev Raj (p. 232), shop-keeper, remembers four men, of whom he identified Bachan Singh and remembers one had one eye like accused

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72, stopped at his shop and had a drink. *Mussammat* Ind Kaur of Khara remembers seeing three men, *viz.*, 67, 72 and Bachan Singh having a drink at her house, a few days before Atma Singh and Harnam Singh were arrested.

Sahib Singh, *granthi* of the Khara *Gurdwara*, p. 232, remembers Bachan Singh, accused 72 and 67 calling at the *Gurdawara* twice; where Atma Singh and Harnam Singh came and gave them food. Two visits were paid him.

Urjan Singh, p. 282, states that Prem Singh, Bachan Singh, accused 72 and another man, along with Atma Singh and Harnam Singh asked him at Khara to join them, but he refused.

Uttam Singh (p. 233) states that, 2 or 3 days before *Masia*, he saw a suspicious-looking man, whom he identifies as 72, at a well near Khara, and reported the same to Sodhi Jawand Singh. He is borne out by Sodhi Jawand Singh.

Sub-Inspector Police, Bodh Raj (p. 233) informs us that, as Atma Singh and Harnam Singh had been absent from their village, though restricted, he asked Sodhi Jawand Singh to report if any suspicious person was found around the village, and that the Sodhi made a report to him, on which, on the 11th June 1915, he sent in the report, P. 84.

This report is to the effect that about the 7th or 8th June, some doubtful persons had been with Atma Singh at the well, and one of these was one-eyed, the description being given in detail.

Bishen Singh, lambardar (p. 238), states that on the day before *Masia* he stopped at the Thattha Khara *gurdwara*, *en route* to the Tarn Taran Treasury with revenue, and there saw accused 72 and Bachan Singh, and he produces a receipt, which established that he did pay revenue on the 11th June; and Arjan Das, Sodhi (p. 233) corroborates and identifies 72 and Bachan Singh.

Inspector Ikram-ul-Haq (p. 283) testifies that, after the arrest of Bachan Singh on 5th August, the latter took him round, and showed him the houses of Ind Kaur at Khera, Ujagar Singh, and Sahib Singh *granthi* of Khara, Arjan Das's *dhera* at Thatthe, Bhagelu of Maluwal, Kirpa Ram's shop in Jhandiala, and a zamindar's house at Gandhra.

The wanderings of accused 72 and Bachan Singh, after the murder are also corroborated by a series of witnesses.

Kirpa Ram of Jhandiala (p. 233) identified Bachan Singh and 72, as having bought bread from him on the *Masia*. Nihal Singh of Gandhra (p. 233) sheltered them for a night; Dial Singh (p. 234) of Sohal also remembers them together at his house; so, too, do Kala Singh (p. 234) of Janatpura and Nigai of Sheikh Daulat (p. 234); and Arjan Das, Sodhi of Thattha (p. 261) identifies Bachan Singh as one of the two men he saw at Thattha.

Evidence of the wanderings of the other gang of four prior to the murder is given by Moti (p. 271).

Four men came to him, including Kala Singh, 3 days before the murder, and asked him to call Bishen Singh (7), but Bishen Singh was not in the village.

Sardar Suchet Singh, Superintendent of Police, Kapurthala (p. 233), gives evidence of hearing of the Walla Bridge murders on the 12th June, and in regard to the arrest of Atma Singh, Harnam Singh and Kala Singh on the 13th, and the discovery by them of the stolen rifles and accoutrements.

When Bachan Singh, approver, was arrested, he learnt from him that the clothes of the murdered men had been deposited with a "Havaldar", but it was not till 28th September he ascertained that the "havaldar" was in reality Bhagwan Singh, sepoy of Kapurthala State. Bhagwan Singh was arrested, and produced from his box a *safa* (P. 72), which bears on it the number 3166, which corresponds to the number on one of the stolen rifles and belts. He tells us Bhagwan Singh told him Rur Singh and another man gave him the *safa* and other clothes, on the day following the Walla Bridge murders.

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The discovery of P. 72 is corroborated by M. Nawab Khan, Honorary Magistrate, Kapurthala (p. 223); and Randhir Singh, one of the sepoys who was attacked at the Walla Bridge and was wounded, identifies the *safa* as his from the regimental number on it, and states he lost it on the night of the attack.

We have seen that Bachan Singh, approver, states that Rur Singh (72) changed his turban with Lachhman Singh (36).

Jiwan Singh, lambardar (p. 231) testifies to Rur Singh (72) giving the turban (P. 62) up to the police, and similar evidence is given by Rulia Singh, lambardar (p. 231) and by Inspector Ikram-ul-Haq (p. 283).

Inspector Ikram-ul-Haq, who investigated part of the case, testifies to Bachan Singh giving up 2 *chadars* (PP. 60 and 61), and a knife (P. 63), and also to his pointing out the well on the Amritsar Jhandiala road, into which he had thrown a haversack, part of which (P. 59) was recovered therefrom, and Bachan Singh (p. 192) admits pointing out the well.

The *chadar* (P. 61) has been identified by *Mussammat* Partab Kaur (p. 233), the mother of Atma Singh (hanged), as belonging to her son; and Jhanda Singh (p. 230) and Ilahi, diver, testify to the recovery of P. 59 from the well pointed out by Bachan Singh; while Ranjit Singh, zaildar, testifies to the recovery of PP. 60, 61, 63.

How the police got trace of Bachan Singh is explained by Inspector Fazl Imam (p. 300), who tells us it was accused 53 who told him Bachan Singh and 72 had gone to Kapurthala, and thence on to the Walla Bridge.

Pokhar Singh (accused 62), states in his Magisterial confession that he was told on 11th June by 32 and 98 that, after the Kapurthala gathering of 5th June, 8 of the men had gone to Majha to seize arms, and that some 4 days after Bachan Singh and 72 came to Dhudiki and told him they had been in the W.B. affair, and from thence had gone to Kapurthala for the meeting of the 12th.

This evidence supplies full details of all that preceded the actual attack; and we can see that the assault was a deliberately pre-arranged *array of revolutionists in arms*, an unquestioned insurrection, resulting in murder and robbery.

The Padri murder.

The twelfth victim of the revolutionists is Kapur Singh, who was murdered at Padri on the 2nd of August 1915.

This man was one of the first men to give information to the authorities of the array at the Jhar Sahib.

His murder has been the subject of a separate trial before us; and we were satisfied therein that one of the reasons for his being murdered was that he had given this information, and that one of his murderers was accused 67 who has been convicted and sentenced in that trial.

We may mention also, as showing the connection of this murder with the revolutionary movement, some evidence recorded in this case.

Bachan Singh of Dhudike (p. 190) states that, in June, the party attacking the Walla Bridge guard discussed murdering Kapur Singh, after their first attempt had been abandoned.

He states Kala Singh and Chanan Singh suggested the murder, and Lachhman Singh (36) and Banta Singh were sent to find if Kapur Singh was in Padri. They returned with the news it was difficult to kill him, as he was provided with a pistol.

Amar Singh (p. 241) tells us that Hardit Singh absconder (20) described the murder to him, saying he and 11 or 12 others had joined in it, including accused 32 and 98. They found Kapur Singh bathing at a well, and he, 20, shot him. Eight others crept up, and one cut off the murdered man's head with a *chhavi*, and throw it into a pond, and then proceeded to his house with the intention of robbing it, but hearing a gun, they scattered.

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This account of Hardit Singh's, who is an absconder in the Padri case, is different in almost every respect from that given in evidence before us, *e.g.*, accused 32 and 98 have never been charged with that murder; but the evidence is of this much value that it shows that the murder was talked of by revolutionists as a part of their work.

We have now dealt with the actual murders, 12 in number, committed by the revolutionaries in pursuance of their objects.

Projected murders.

We may proceed to mention other projected murders.

Arjan Singh (p. 200) tells us that in April accused 32 and Banta Singh (W. B.) came, and asked him to send for Kapur Singh (discharged) to find out who had got Nidhan Singh (L. C. C.) and Rur Singh (L. C. C.) arrested, with a view to murdering the man responsible. Two boys Mehru and Kehru were sent to fetch Kapur Singh.

Nand Singh (p. 236-7) gives identical evidence to that, and Mehru (p. 228), who is a son of accused 9, deposes to bringing Kapur Singh at Arjan Singh's request.

The proposed murder of Kirpal Singh.

The most important design, however, was the plot to murder Kirpal Singh, the spy; through whom the design to rise on the 19th February became known to the police in time to counteract.

This plot was conceived in the lines of the 23rd Cavalry.

Ganda Singh of the 23rd Cavalry (p. 119) informs us that, after the successful police raid on house No. 1 in Lahore on the 19th February, there was a meeting of revolutionary sowars at the Rifle Range; and Budh Singh, sowar, and Abdulla, farrier, suggested Kirpal Singh, spy, should be inveigled to the lines, and there murdered for his share in the arrests. There was another meeting, a few days after, at the same time place, and this meeting, was attended by Prem Singh (67), and Puran Singh, who was a cousin of Kirpal Singh, suggested that Prem Singh should go to murder Kirpal Singh in his village, saying that Fauja Singh, his brother, would help him, and Maghar Singh. (51) who lived in the same village would repair his pistol for him and on this Prem Singh said he would undertake the affair, getting assistance *en route* to the village. A few days later, there was another meeting where Prem Singh (67) agreed again to commit the murder.

Puran Singh (p. 123) testifies to the same incident. He states that when it became known that Kirpal Singh was instrumental in getting the house in Lahore raided, the revolutionaries decided to murder him. He too was present at two meetings at the Rifle Range. He, of course, being the cousin of Kirpal Singh, does not say he suggested the latter's murder; but otherwise his story is similar. He states it was Budh Singh, who proposed inveigling him to lines, and Prem Singh (67) suggested the murder of Kirpal Singh and of Bela Singh Zaildar, and asked some one to go with him and point out the men.

Witness admits he agreed, and told Prem Singh to go to his village, and see Fauja Singh, his brother, and Maghar Singh (51), who would point out the man, and also told him Maghar Singh would repair his revolver for him. A few days later Fauja Singh turned up in the lines and told them Prem Singh had seen Kirpal Singh, and had gone off to get men to assist in murdering him.

Some time after Prem Singh (67) again came to the regimental lines, and explained that he had not succeeded in the plan of murdering Kirpal Singh, as none would join him; and it was ultimately decided that Arjan Singh (71) and Budh Singh, sowar, should undertake the murders with him. Arjan Singh was to go Barar, stay with Maghar Singh (51), and Fauja Singh; while Prem Singh would go to Maluwal, procure a revolver there, and get other men to assist. Two days later Fauja Singh turned up, and asked witness if he had sent Arjan Singh to Barar, for he had come, seen him and Magher Singh (51), and told them Prem Singh would come soon to commit the murder. Fauja Singh also told him Prem Singh had come, and had stayed

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at Maghar Singh's; but the murder had been abandoned for the time being, as Kirpal Singh was known to be armed, and men were not ready to run the risk of helping Prem Singh in the matter, and that no one had subsequently come for the murder.

Wasawa Singh (p. 129) also testifies to the same matter. He tells us that, some days after the 19th February, there was a gathering at the Rifle Range, consisting of sowars, when it was decided to murder Kirpal Singh, after luring him to lines. Another meeting followed a few days later, attended this time by Prem Singh (67); and Prem Singh and Achhar Singh undertook to commit the murder. Puran Singh told Prem Singh Fauja Singh would point out the victim to him, for Prem Singh did not know him personally, and next day Prem Singh departed. A few days later, Fauja Singh came to the lines, and told him Prem Singh had been to Barar, and seen Kirpal Singh's house, but had gone off to get men to help in the murder. Shortly after, Prem Singh (67) himself came, and said he had not yet done the deed, as his revolver was out of repair, and he wanted help, so he was advised to get his revolver repaired by Maghar Singh (51).

Some days later, Prem Singh again set off instructing Arjan Singh (71), whom, in the interval it is alleged, he had introduced to the sowars to teach them how to make dynamite, to meet him at Barar; and witness was told by Puran Singh that Fauja Singh and Maghar Singh (51) were going to help to kill Kirpal Singh.

Achhar Singh (p. 149) states he also was present at the Rifle Range, when Prem Singh (67) came, and the murder of Kirpal Singh was discussed, and Prem Singh was advised to get his revolver repaired by Maghar Singh.

Corroboration of this story is afforded by Bir Singh (p. 256). He lives next door to accused 51, and states that in *Chet*, accused 51 came to him with another man, who, he was informed, was accused 67. He put 67 up for the night, and he told him he had come to murder Kirpal Singh, but on his expostulation 51 promised not to commit the deed. Two days later he again saw 67 in the *gurdwara*; and at his request called Fauja Singh, and yet a few days later saw him again talking to Balwant Singh in the village.

Fauja Singh (p. 276) states he remembers the last witness calling him to go and see 67 in the *gurdwara*, where accused 67 told him the Cavalry men had sent him to kill Kirpal Singh, but he went away as he had no arms or men to assist. He says Prem Singh (67) came on another occasion for the same purpose, but departed for the same reason.

We have not burdened the judgment with mere proposals to murder, to carry out which nothing was done.

The record of murders achieved sufficiently emphasizes the nature of the revolution. The murders actually committed or proposed are of 3 kinds—murders in dacoity, murders of persons helping the State, either by giving information or evidence; and murders committed in the course of acts, which in themselves, even if standing alone, would be definite acts of waging war.

(13) Jail-breaking.

We saw in the first case that the *Ghadr* advocated the breaking open of jails, and that the proposal was occasionally discussed.

There was, however, then no evidence of any proposal to attack any particular jail.

In this case, however, we find that, during the trial of the first case, a definite proposal was made.

Bachan Singh (p. 189) states that, at Kapurthala on the 5th of June, it was decided, after looting the magazine, to attack the jails at Lahore and Montgomery, and release and arm the prisoners, and Amar Singh of Usmanpur (p. 241) gives similar testimony.

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(14) The Revolutionary Flag.

The matter of the revolutionary flag is of little importance, beyond illustrating that the object of the revolutionists was to overthrow the Government by law established, and that military arrays were intended.

We have no new evidence in regard to the flag, but its existence is proved as in the previous case.

(15) The Destruction of Railways and Telegraphs.

We traced in our judgment in the last case how, in the *Ghadr*, the destruction of railways and telegraphic communication was advocated as a part of the war policy. We have a considerable amount of the old evidence as to proposals; and some of the instances, then proved, of possession of implements have been also proved in this case.

We have, however, fresh evidence showing other proposals and other possessions.

The first instance relates to the 23rd Cavalry revolutionists.

Mul Chand (p. 115) informs us that, in November or December, Abdulla Farrier, one of the revolutionists in the 23rd Cavalry, told him he had cut some telegraph wires between Lahore and Kot Lakhpat.

Ganda Singh (p. 118), referring to this matter, states that, soon after the desertions from the regiment with a view to joining in the Jhar Sahib rising, Abdulla suggested they should cut some telegraph wires, and next evening Abdulla and 3 other men of the regiment went away for this purpose, returning next morning with the information that they had cut some between Lahore and Kot Lakhpat, and, later on, the seditious sowars collected money for another hack saw, wihch Abdulla took possession of.

Puran Singh (p. 123) also tells us Abdulla, Farrier, told him he with a party had cut telegraph wires between the two same stations.

Achhar Singh (p. 148) states he overheard mutinous sepoys in lines speaking of cutting telegraph wires, and being in possession of clippers, and testifies to Abdulla mentioning having cut some wires on the line; and Shankar Lal, Sub-Inspector, Telegraphs, states (p. 259) that in December 1914 a telegraph wire between Kot Lakhpat and Lahore was found cut with a sharp implement.

Bhagat Singh, approver (p. 171), tells us that, after the Doraha affair, Gurmukh Singh gave accused (23) four wire-clippers and 3 files, which 23 later gave him. One of these, P. 46, he gave to Arjan Singh (2), and asked him to bury it about the 24th February, and left the others in his charge. On the 19th March, Arjan Singh made some over again to him, retaining 2 clippers and a file. On the 8th April, Kapur Singh gave him two wire clippers and 2 files, which he buried in the jungle; whence they were removed by some one without his knowledge. Arjan Singh, approver (p. 200), states Bhagat Singh, about the 26th February, told him he had implements for cutting wires and lines.

Sub-Inspector of Police Haider Ali deposes (p. 220) that, on the 17th June, Bhagat Singh produced from a sand-hill near Ballowal, the wire cutters (P. 46), along with other things; and Zaildar Hazara Singh corroborates him.

Udham Singh of Hans (p. 197) states Anokh Singh had a bundle of wire cutters with him at Doraha.

Sub-Inspector of Police Buland Ikbal (p. 255) states accused (91) told him he had a hack-saw, which he had obtained from Lal Singh (L.C.C.), and on the 24th September 1915, delivered it to him, producing it from his *haveli*.

Head Constable Asghar Ali (p. 265) deposes to finding 3 pieces of hack-saw (P. 99 E) in a suit-case, in the house of accused 75, on 20th March; and Zaildar Khushal Singh (p. 273) and Bura, Lambardar (p. 274) give evidence to the same effect.

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Udham Singh of Hans (p. 198) deposes to being shown the cutters P. 46 and 47 by Bhagat Singh at Bhoparai.

Arjan Singh (p. 200) also states Kapur Singh told him at Dhudike that Bhagat Singh had given him wire cutting implements, which he was taking on to Kapurthala.

Anokh Singh (p. 243) tells us Nidhan Singh (L. C. C.) informed him, in January 1915, that the revolutionists were in possession of cutters and saws for the destruction of telegraphs and railway lines; and that on the 18th February Kartar Singh (L. C. C.) gave him 3 or 4 files and wire cutters, which he made over to Harnam Singh (L. C. C.) at Doraha.

(16) Local Collections of Men.

It is not necessary for us to discuss again the local collections of men for the projected rising in Lahore on the 19th February,—the fact is proved by much the same evidence,—for the reason that there is no one before us who was directly concerned in bringing men into Lahore.

We have, however, a large amount of evidence as to the local collection of men for another place, *viz.*, Ferozepore, for the same date, with which we will deal later.

(17) Arrangements for the Rising in Lahore.

On this matter, too, we have nothing to add to what we have already said.

(18) The Spy and the Collapse.

We discussed the causes of the collapse of the proposed insurrection in Lahore, which was to be the signal for a general rising throughout India, in a separate section in our last judgment.

The Government Advocate has not considered it necessary to put in Kirpal Singh, spy, to recount his share in the causes of the collapse; but the facts have been fully evidenced by Deputy Superintendent of Police Liakat Hayat Khan, Ahmad Khan and other witnesses. It is not necessary to go over the same ground again.

We have, however, the additional evidence of Balwant Singh (p. 142), which fully corroborates the accounts already given.

He tells us that in February Kirpal Singh, spy, his cousin, came to him and asked him to introduce him to Mula Singh. He could not at first get leave, so sent Kirpal Singh to Naurang Singh, *Darzi*, in Amritsar. The latter, probably being suspicious of Kirpal Singh, refused help; and so Balwant Singh was given leave and went to Amritsar with Kirpal Singh. There they found Mula Singh had gone to Lahore, whither they followed him to Madan Singh's (L. C. C.) at Mian Mir. Here they found Mula Singh had left, and Madan Singh took them both to house No. 1, where they met Amar Singh, who informed them Mula Singh had returned to Amritsar. Following him there with Amar Singh they discovered he had been arrested. The same evening they foregathered at the Rasulpuri *haveli*, and later at the Virpali Dharmsala, where Nidhan Singh (L. C. C.), Harnam Singh, Tunda (L. C. C.), Amar Singh, approver, Wasawa Singh (L. C. C.) and others were.

There Kirpal Singh was introduced and accepted by the party, and his proposal to raid the Lopoki thana led to his being despatched to Dadhir, with credentials, to the men who have been convicted in the Lahore Conspiracy Case, while witness himself returned to Mian Mir.

Puran Singh (p. 121) has also some evidence on this matter. He says Kirpal Singh asked him to get Balwant Singh to go with him to Mula Singh, but Kirpal Singh told him, on being taxed, what he was really aiming at, *viz.*,

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the arrest of Mula Singh, and Puran Singh promised to help if he got part of the reward. This Puran Singh appears to be an unmitigated blackguard, for, though he was willing enough for a share of the hoped-for reward to help in getting Mula Singh arrested, yet, after that event, he continued hand-in-glove with the mutineers in the regiment, helped them to make bombs, and even suggested the murder of Kirpal Singh.

However, he tried to get leave for Balwant Singh, but failed, and he says Balwant Singh gave Kirpal Singh the address of Naurang Singh where he could find out Mula Singh's whereabouts. Next day Kirpal Singh returned to lines, having failed to find Mula Singh, and Balwant Singh, having now got leave, went off with Kirpal Singh to Amritsar, returning four days later, and telling him they had first gone to Amritsar, then to Mian Mir, whence they were taken by Madan Singh (L. C. C.) to house No. 1, and then back to Amritsar, where they found Mula Singh had been arrested.

(19) The Ferozepore raid.

In our Judgment in the Lahore Conspiracy Case we referred to evidence, proving that a rising of the troops in Ferozepore had been arranged for the 19th February, coincident with the Lahore rising, and that there was some evidence, showing a gang of men went down to Ferozepore to assist.

We have dealt with the part played by the troops in Ferozepore in the section dealing with the seduction of troops. The evidence we then had in regard to gangs going to Ferozepore to assist was meagre; but, in this case, this important incident has been testified to in considerable detail. We have many witnesses in connection with it; and, as we proceed to discuss it, it will be apparent that a serious attempt was made on the 19th February to start a murderous outbreak in Ferozepore, accompanied by an attack on the Ferozepore arsenal. This outbreak was intended to be coincident with the outbreak in Lahore.

Where all the men, who were concerned in that raid, came from, we do not know.

There is, however, before us a body of men, residing in and near Dhandhari and Narangwal, which is alleged to have gone down to Ferozepore for this purpose.

There is evidence, which we have dealt with elsewhere, to the effect that villages in Ludhiana were much agitated over certain supposed Sikh grievances; and this feeling was exploited by the returned emigrants, particularly it is said through Randhir Singh (69), in touch with Kartar Singh (L. C. C.) and other leaders of the revolutionary party.

The contention is that this man, under Kartar Singh's orders, took down a gang to Ferozepore for the 19th February.

The Dhundari *path*.

It is alleged by the prosecution that, preparatory to the Ferozepore raid there was a secret gathering at Dhundari on the 17th February when Randhir Singh (69) and his party came from Gujarwal, where they had held a *bhog* on February 14th.

Indar Singh of Khanna (p. 165) tells us there was a *path* at the house of Gurbachan Singh, whose son had gone on active service; and the *path* was followed by a *bhog*, after which those, who were there simply for religious observances, went away; but Randhir Singh (69) gathered a few men together, closed the door, and told them that a *desh bhagat* (*i.e.*, Kartar Singh, L. C. C.) had been and told him all Singhs must be ready to attack the Ferozepore fort in a couple of days. Randhir Singh as alleged told them they would have many men, including sepoys and emigrants; and, when accused 89 and witness asked how they hoped to overcome Government, Randhir Singh replied that the time for *izhadi* had come, as Government was interfering with their religion. It was this reference that induced several men to throw in their lot with Randhir Singh. We are told that the men present at this gathering were accused 69, 3, 10, 19, 89, 68, 41, 54, 77, 50 and witness, and, after it was over, men were sent out to collect others.

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Teja Singh of Samrala (P. W. 40) also refers to this meeting. He tells us that he had been excommunicated, owing to a breach of caste rules, and 69 told him to attend the *Akhandpat* at Gurbachan Singh's at Dhandhari, when his application for readmission would be considered.

He says he did appear; and, after his case had been considered, he was turned out of the room, and a meeting held, the purport of which he knows nothing about, attended by accused 69, 3, 10, 19, 77, 68, 54, 50, 41 and Indar Singh; and he was directed to come again to Khanna, where an effort was made to induce him to join the party going to Ferozepore for the raid there.

Gurbachan Singh (p. 217) informs us that he held an *Akhandpat* to pray for the safety of 2 of his sons on active service, which Randhir Singh (69) and a lot of his followers attended, and after the religious ceremonies were over, some men had a meeting behind closed doors, the purpose of which he is ignorant of.

Gonda Das (p. 217) gives similar evidence, and he identifies 69, 3, 10, 19 as men who remained for the secret meeting.

Udham Singh of Hans (p. 196) states Karm Singh (41) told him he had attended this secret meeting at Dhandhari, where also were Kartar Singh (L. C. C.), 69 and others, and that many there were persuaded by 69 to join in the Ferozepore raid.

Mussammat Nihal Kaur (p. 214) remembers her husband Indar Singh going to Gurbachan Singh's *Akhandpat*, and being told by accused 77 her husband had gone to the Bar for men for the Ferozepore raid.

The presence of Kartar Singh (L. C. C.) is deposed to by Anokh Singh (p. 244), who says he went with him. He himself, but not Kartar Singh, attended the *Akhandpat*, after which Kartar Singh went to accused 69, and secured his promise of men for the projected raid.

The fact that there was an *Akhandpat* at Gurbachan Singh's is admitted by the defence, but just as it was sought to establish that the Gujarwal *Akhandpat* took place on the 20th January, and not on the 14th February, so in this matter it is contended the Dhandhari *Akhandpat* took place on the 23rd January and not the 17th February.

The nature of the evidence relied upon is curiously similar to that relied on in regard to Gujarwal. We have a letter (P. 41) purporting to be written from Gujarwal on the 20th January fixing the 23rd for the Dhandhari *Akhandpat*, and a collection of witnesses, some who say they were at the Dhandhari *Akhandpat* on that date: others who merely say they were at a Dhandhari *Akhandpat*, which was unobjectionable in character.

There is nothing in connection with this letter, which establishes it was written on the day alleged, and the recollection of the oral witnesses is not dependable, and we can certainly see no reason for disbelieving the evidence of the prosecution witnesses that this *Akhandpat* took place at Dhandhari on the 17th February.

The raid. (1) Sundar Singh (A. M.)

The first witness on the subject of the raid itself is Sundar Singh of Asa Majra.

This witness informs us that Uttam Singh (98), Karm Singh (41) and Udham Singh of Hans came to him; and he was informed that the 19th February had been fixed on for the rising, and that Kartar Singh (L. C. C.) had been to Dhandhari to tell Randhir Singh (69). The rising was to be simultaneous in Lahore, Rawalpindi, Ferozepore and all over India. He was told Randhir Singh (69) had sent one Indar Singh of Khanna to collect men in the Bar; and Santa Singh (77) and Teja Singh of Samrala had been sent out with the same object to other places. All were to gather at Ferozepore Cantonments on the 19th, where the native regiments would supply arms, and a midnight attack would be made on the fort, with a view to obtaining arms and ammunitions, and Randhir Singh (69) was to bring a large body from Dhandhari. The same evening Ganda Singh (17), Udham Singh of Hans, Arjan Singh, the Anarkali murderer, Banta Singh (W. B. murderer), and Harnam Singh (L. C. C.) came to him *en route* to Ludhiana, and other

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places to collect men for Ferozepore, and it was understood they were to go to Ferozepore in small parties under Randhir Singh's orders. Many of these men were armed.

On the appointed day, this witness states he set out for the rendezvous, with Teja Singh, accused 41, 54, 77 and 101 and the wife of Indar Singh of Khanna, witness, who was out to bring her husband home.

At Ludhiana they were joined by Buta Singh (hanged), Gandha Singh (17), Arjan Singh (Anarkali murderer), Banta Singh (W. B. murderer), Uttam Singh (98), Harnam Singh (Sialkot) (L. C. C.), and some others; and at Mullanpur they met a party, under the leadership of Randhir Singh (69), comprising accused 3, 10, 23, 33, 68, 89, 31, 42, 59, 50, 58, Udham Singh of Hans, and others not accused. Accused 19, he also states, was in the raid.

Some of this gang were armed; and fortified with a harmonium. At Ferozepore Cantonment they were met by Kartar Singh (L. C. C.) and two sepoys who led them to some bushes near the Rifle Range, where there was a large number of revolutionaries collected. The sepoys there left them to prepare the regiment. They, however, did not return; so Kartar Singh (L. C. C.) Arjan Singh (the Anarkali murderer), Buta Singh (hanged), accused 98 and 17 went to find out what had happened, and returned soon, saying arrangements were being made. Further delay occurred; and on 69's advice Arjan Singh, Kartar Singh, Buta Singh and accused 98 again went to the lines, and returned with the news that the Military authorities had got wind of the affair, and had turned out certain sepoy sympathizers; and as nothing could be done that night, the gang broke up. In the section dealing with seduction of troops we have seen that sedition-infected sepoys were dismissed.

The witness proceeds to tell us that Randhir Singh (69) went off with his party; while he, accused 17, Buta Singh (hanged), 98, 42 and two others, not accused, went to Goleana and Bhatinda, where they separated, witness going to his own village with accused 42.

Bhagat Singh.

The second important witness is Bhagat Singh of Ballowal (p. 168 *et seq*). He says he was asked by Harnam Singh (23) at Gujarwal, about the 17th February, to join in the proposed raid, and meet the other raiders at Mullanpur.

He checked the information by questioning Randhir Singh; and, in accordance with his promise, he went to Mullanpur, where he met accused 69, 50, 3, 59, 89, 68, 10, 19, 23, 78, 33, 98, Udham Singh of Hans and 2 Sikh boys of Gujarwal. The gang, he says, was dressed in black; and he too refers to the harmonium, and says there was a number of people already seated in the train.

At Ferozepore, where some 50 or 60 revolutionaries alighted, he met on the platform accused 58, Kartar Singh, Buta Singh and accused 17 and some others. Mastan Singh (58) told him there were about 100 or 150 collected, and they were taken in small gangs to some reeds, meeting on the way a patrol of Territorials. After waiting some time in the reeds, Ganda Singh (17) told Randhir Singh that nothing could be done, as the Military authorities had got wind of the affair. Besides those already mentioned as having been met *en route* to Ferozepore, witness identifies (32), Udham Singh of Hans, and (30) as being among the men gathered in the reeds.

With the abandonment of the design, witness went off with 69's party to Phimi-ke-Khai, a station on the Bhatinda-Ferozepore section, where accused (89) and (59) tried to get tickets for the whole gang; but they had to buy their tickets separately. At Phimi-ke-Khai were witness himself, accused 69, 50, 3, 89, 59, 68, 19, 10 and Indar Singh's wife; and they travelled, first to Ferozepore Cantonments, and thence to Mullanpur, and Moti, seeing 23, 58 and Buta Singh (hanged) at Jagraon.

It is interesting, in connection with this witness, to notice that in his diary, under date 18th February 1915, a mistake for 19th February, he writes "from Mullanpur to Ferozepore by 7 o'clock train;" and on the 19th he enters "went to Phimi-ke-Khai from Fattowala *viâ* Sappanwali. Left Phimi-ke-Khai at 9 A. M. Left Cantonment Railway Station at 11-30 with Mastan Singh (58), Harnam Singh (23) and Buta Singh (hanged)," and the diary

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also contains a note *Na muafiq*, which, witness says, means " nothing could be done."

The third approver, who gives evidence in connection with this incident, is Udham Singh of Hans (p. 196 *et seq*). Udham Singh, Hans.

This witness states he met Karm Singh (41) at Patiala, and he told him he had just seen Randhir Singh (69) at Dhandari, where Kartar Singh (L. C. C.) had informed them the 19th February had been fixed for the rising. With Karm Singh he went to Sunder Singh of Asa Majra; where he met Arjan Singh, Anarkali murderer, Banta Singh (W. B. murderer), Ganda Singh (17) and some others, where he was told the next day was the day for the mutiny. At Ludhiana he met accused 98, and, with him, went on to Narangwal to see Randhir Singh (69), where he saw accused 69, 3, 89, 19, 10, Gurmukh Singh (L. C. C.), 43, 58, and others; and accused 98 told Randhir Singh he, with his gang, should reach Ferozepore that evening, to which 69 assented.

Witness and accused 98, having also told 89, 78 and 33 to be at Ferozepore, went on to Mullanpur *en route* for Ferozepore, and, at that station, linked up with accused 69, 3, 78, 33, 89, 59, 19, 23, 43, 10, Bhagat Singh approver, and several others. This party was in black, and the witness also mentions the harmonium. At Ferozepore Station they were met by Kartar Singh (L. C. C.) and 58, and were led in small groups to some reeds. He too refers to passing a Territorial patrol.

Besides those mentioned above, this witness met in the reeds accused 98, 30, 32, Chanan Singh (W. B. murderer), 17, Arjan Singh, the Anarkali murderer, Sundar Singh of Asa Majra, Buta Singh (hanged), Gurmukh Singh (L. C. C.), 50, 68, Anokh Singh, approver, 41 and Banta Singh (W. B. murderer).

He tells us Kartar Singh (L. C. C.) was despatched to lines to find out what was happening; and he returned, saying nothing could be achieved, as the authorities were fully informed. Witness with 98, 30, Chanan Singh, and 32 went to Ferozepore, and thence to Doraha; where, as we will see, part of this gang contemplated another outrage.

The fourth approver, who has evidence to offer on this subject, is Anokh Singh (p. 245 *et seq*). This youth was a kind of messenger, who was attached to Kartar Singh (L. C. C.), and had been employed by him in helping to seduce the Ferozepore troops. The success attained in this direction we have discussed in the section dealing with the seduction of troops. He gives important evidence, tells us that he accompanied Kartar Singh to Dhandari on the 17th February to see Randhir Singh (69), and warned the latter to be present at Ferozepore on the 19th February with his gang, where he, Kartar Singh, would meet them. Randhir Singh promised to do so, and then they went on to Gujarwal with similar directions for accused 23 and 78. Anokh Singh.

On the 19th, Kartar Singh and he went to Ferozepore, and, as previously arranged, met Randhir Singh's party at the Cantonment Station. This party, he says, consisted of 60 or 65 men, dressed in dark blue, and accompained by a harmonium. Of this party he identifies accused 98, Udham Singh of Hans, Gurmukh Singh (L. C. C.), Banta Singh (W. B. murderer), Arjan Singh (Anarkali murderer), Harnam Singh, Sialkot (L. C. C.), 69, 50, 58, 78, 23, 59, 43, Bhagat Singh, approver, 10, 19, and 17. The gang was led in groups to some reeds near the Rifle Range, and Kirpa Singh (46), a sepoy, was sent to find out what had happened in lines. The party broke up when it was discovered nothing could be done, and witness, with Kartar Singh, Banta Singh, Harnam Singh, Arjan Singh and Gurmukh Singh, went to the station, and thence to Lahore.

There is a considerable amount of evidence of independent witnesses supporting these approvers.

The first witness is Inder Singh of Khanna (p. 164). He was at a meeting at Dhandari, where Randhir Singh (69) referred to the coming attack on Inder Singh Khanna.

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Ferozepore, and when Santa Singh (77) was sent out to collect men for the enterprise. The witness, desirous of getting out of the way, made a pretence of offering to go to the Bar for the same purpose, and, getting money from accused 89, he went to Lyallpur, and saw Jaimal Singh, Wariam Singh and Nand Singh there, keeping out of the way until the affair was over. He was afterwards reproached by Randhir Singh for his failure to turn up.

His visit to Chak 361 is corroborated by Jaimal Singh (p. 167) and Wariam Singh (p. 167), who say the witness told them Randhir Singh had sent him to bring in men to fight Government, but they refused to have anything to do with him, especially as he himself said he had no intention of getting involved.

Mussammat Nihal Kaur.

Closely connected with this evidence is the statement of his wife Mussammat Nihal Kaur (p. 214). We have seen that both Sunder Singh of Asa Majra and Bhagat Singh, approver, mention her being with Randhir Singh's party. She tells us that she heard from accused 77 that her husband had gone to the Bar to collect men to go on to Ferozepore. It was with the sole object of inducing him to abandon any mad ideas he had, that his wife went to Ferozepore, hoping to find him there, and bring him home. She says she accompanied accused 77 and 54 from Khanna, and, meeting 41 and 13 at Ludhiana, went on to Ferozepore. At Mullanpur she saw 68, 69, 89, 10, 19, 3 and others get into the train, with a harmonium. She tells us that, having reached Ferozepore, she went with a gang to the jungle, and in the morning went with the rest to Phimi-ke-Khai, and thence home with 54 and 77.

The witness also identifies 59 as one of the gang in Ferozepore. There can be no question of this witness' reliability, so far as the incident is concerned.

We have seen that Sunder Singh (A. M.) has told us Teja Singh of Samrala started from Khanna with himself, 41, 77, 101, 54 and Inder Singh's wife.

Teja Singh Samrala.

Teja Singh (P. W. 40) has given evidence, and tells us he was at Khanna, seeking re-admission to caste, and accused 77 took him with Nihal Kaur, 54, 13, 101 and Sunder Singh (A. M.) to Ludhiana, where 41 got into the train. There Santa Singh told him they were going to Ferozepore to attack the fort, but he declined to go on with them.

Miscellaneous witnesses.

A highly respectable witness is Zaildar Kishen Singh, who remembers seeing a gang of men at Mullanpur Station on the 19th February, of whom he remembers 69 and 19. They were in black, and had a harmonium with them.

The meeting of a Territorial patrol is corroborated by Corporal Waller and R. I. Landry of the 4th Devons, who tell us that, when, on patrol duty on the night of the 19th February, they saw a gang of 30 or 40 men going towards the Rifle Range, and the statements as to how the gangs came down to Ferozepore, dispersed, and went home, is also corroborated by the evidence of certain railway officials.

Ram Dhan, Assistant Station Master, Mullanpur (p. 255), recalls a number of men, dressed in black, booking last February to Ferozepore Cantonments. Shib Lal, Ticket Collector (p. 249), informs us that, on the 19th February, 19 and 48 third class tickets were issued from Mullanpur and Ludhiana, respectively, to Ferozepore Cantonments, and, on 20th February, 28 tickets were issued from Phimi-ke-khai to Ferozepore, and Ferozepore to Mullanpur.

Hari Ram, Station Master of Phimi-ke-khai, corroborates, and tells us the average issue of such tickets is 4 or 5; and Lala Jagan Nath, Station Master, Mullanpur, also corroborates, and gives the daily average at his station as 3.

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Isa (p. 250), a pointsman at Phimi-ke-khai, remembers a gang of men at the station, numbering about 20 and including a women, who wanted to buy tickets in a lump ; and on jail parade he identified accused 69, 3, 68 and before us 13, 52, 28 (wrongly) and 69. The identifications before us, except that of accused 69 and possibly 13, are probably inaccurate and the arguments of defence counsel will be considered later. Ahmad Khan pointsman (p. 250), gives similar evidence, and identifies accused 3 and 69.

Head Constable Maula Bakhsh (p. 250) also states that, on the night of the 19th, he saw a gang of suspicious characters alight at Ferozepore Cantonments, and reported the same at once to Inspector Lamacraft, who (p. 266) took immediate action.

Bachan Singh (p. 187) also states that Ishar Singh (32) told him he had gone with 70 or 80 men to attack the Ferozepore fort, to get arms, but the enterprise had failed.

Subha Singh, pointsman at Mullanpur (p. 326), deposes to a party leaving that station for Ferozepore with a harmonium; but he only identifies Bhagat Singh (approver) ; and Ladhu and Pakhar, pointsmen, give similar evidence, the former identifying accused 58 and 3, and the latter accused 30.

Rash Behari Bose's notes.

An important piece of corroboration is found in the slips of paper, in Rash Behari Bose's handwriting, discovered in Lahore, when the houses there were raided. On one of these we find the significant conjunction of the names "Randhir" and "Uttom," *i.e.*, accused 69 and 98, the men who are alleged to have been the leaders of the Ferozepore raiders.

Conclusion.

Now, there can be no question that a gang of men did go down to Ferozepore for the rising on the 19th February, armed and intent on murder and mutiny. That they were badly armed and generalled, that they were out on a hopeless and ridiculous task, makes no difference : they formed an actual array waging war.

How far we are not prepared to consider the cases proved against individuals we will discuss in the individual cases—where we will also deal with the lengthy arguments of the defence counsel—all we need now say is, that we are satisfied there was a raid, and we attach hereto a tabular statement, showing who have been implicated by name and by whom they have been implicated.

Tabular statement of persons implicated in Ferozepore Raid.

No. or Name.	Sundar Singh, A. M.	Bhagat Singh.	Udham Singh, Hans.	Anokh Singh.	Nihal Kaur.	Teja Singh.	Kishen Singh.	Isa.	Ahmed Khan.	Bachan Singh.	Subha.	Ladhu.	Pakhar.	Remarks.
3	×	×	×	...	×	...	...	×	×	...	...	×	...	
10	×	×	×	×	×	...	...	...	...	...	...	...	...	
13	...	...	...	...	×	×	...	×	...	...	...	...	...	
17	×	×	×	×	...	...	...	...	...	...	...	...	...	
19	×	×	×	×	×	...	×	...	...	...	...	...	...	
23	×	×	×	×	...	...	...	...	...	...	...	...	...	
30	...	×	×	...	...	...	...	...	...	...	...	...	×	
31	×	...	...	...	...	...	...	...	...	...	...	...	...	
32	...	×	×	...	...	...	...	...	...	×	...	...	...	
33	×	×	×	...	...	×	...	...	...	...	...	...	...	
41	×	...	×	...	×	...	...	...	...	...	...	...	...	
42	×	...	...	...	...	...	...	...	...	...	...	...	...	
43	..	...	×	×	...	...	...	...	...	...	...	...	...	
50	×	×	×	×	...	...	...	...	...	...	...	...	...	

Tabular statement of persons implicated in Ferozepore Raid—concld.

No. or Name.	Sundar Singh, A. M.	Bhagat Singh.	Udham Singh, Hans.	Anokh Singh.	Nihal Kaur.	Teja Singh.	Kishan Singh.	Isa.	Ahmed Khan.	Bachan Singh.	Subha.	Labhu.	Pakhar.	REMARKS.
54	×	...	...	...	×	×	...	...	...	...	...	...	...	
58	×	×	×	×	...	...	...	...	...	...	...	×	...	
59	×	×	×	×	×	...	...	...	...	...	...	...	...	
68	×	×	×	...	×	...	...	×	...	...	...	...	...	
69	×	×	×	×	×	...	×	×	×	...	...	...	...	
77	×	...	...	...	×	×	...	...	...	...	...	...	...	
78	...	×	×	×	...	...	...	...	...	...	...	...	...	
89	×	×	×	...	×	...	...	...	...	...	...	...	...	
98	×	×	×	×	...	...	...	...	...	...	...	...	...	
101	×	...	...	...	...	...	...	...	...	...	...	...	...	
Sundar Singh (A. M.)	×	...	×	...	...	×	...	...	...	...	...	...	...	
Teja Singh ...	×	...	...	...	...	...	...	...	...	...	...	...	...	
Nihal Kaur ...	×	×	...	...	×	×	...	×	...	...	...	...	...	
Buta Singh (hanged)	×	×	×	...	...	...	...	...	...	...	...	...	...	
Arjan Singh (A. M.)	×	...	×	×	...	...	...	...	...	...	...	...	...	
Banta Singh (W. B.)...	×	...	×	×	...	...	...	...	...	...	...	...	...	
Harnam Singh (L.C.C.)	×	...	...	×	...	...	...	...	...	...	...	...	...	
Udham Singh, Hans...	×	×	×	×	...	...	...	...	...	...	...	...	...	
Kartar Singh (L. C. C.)	×	×	×	...	...	...	...	...	...	...	...	...	...	
Bhagat Singh ...	...	×	×	×	...	...	...	...	...	...	×	...	...	
Chanan Singh ...	...	...	×	...	...	...	...	...	...	...	...	...	...	
Gurmukh Singh(L.C.C.)	...	...	×	×	...	...	...	...	...	...	...	...	...	
Anokh Singh ...	...	...	×	×	...	...	...	...	...	...	...	...	...	

We must here notice a point raised in defence by several counsel.

We have seen that the prosecution witnesses say that Kartar Singh (L. C. C.) came and warned Randhir Singh at Dhandari to be ready for the raid of the 19th, and that the news spread as far as Patiala, where Sundar Singh, A. M. was, in time for men to come up from there.

It is argued that this is impossible as the rising for the 19th was not decided upon until the 18th February in Lahore.

Now we admit it would be, if not impossible, at least very difficult for Kartar Singh to leave Lahore on the 18th, reach Dhandari, inform Randhir Singh there and yet enable a man to go on to Patiala and warn Sundar Singh, A. M. the same day.

It is not physically impossible, for leaving Lahore at 7-40 A. M. it would be possible to break journey for 6 hours at Ludhiana, and yet reach Patiala that evening. It would be, however, impossible for Kartar Singh to return to Lahore, and reach Ferozepore the same evening, which is part of the prosecution story, though he could reach Ferozepore direct from Ludhiana.

The answer, however, to the objection is complete. The date of the rising in Lahore was, we are satisfied, changed from the 21st to the 19th, on the 16th or 17th, and not on the 18th, and we are satisfied that the misunderstanding is due to Amar Singh (approver) having been a day wrong in his reckoning ever since the meeting of the 12th February.

The fact that Amar Singh made this error is very clear. He has always post-dated meetings and events after the 12th February by one day and this is demonstrated by the fact that he fixes Harnam Singh (L. C. C.)

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having seen Kirpal Singh (spy) at the railway station on the 16th, whereas the telegram sent by Kirpal Singh clearly shows he was at the station on the 15th and not 16th.

Moreover, Amar Singh has clearly spoken of Kharak Singh being told off on the 17th to bring in men for the 18th, and also of Kartar Singh (L. C. C.) and Anokh Singh returning from Ludhiana on the 18th, informing him that they had done what they had to do there and then straightway proceeded to Ferozepore.

We have carefully checked his various statements with other facts and we are satisfied the date was changed either on the 16th or 17th, and emissaries sent out on the 17th to warn the revolutionists of the change.

The correct dates have always been given by Sucha Singh who has consistently said he saw Kartar Singh in Ludhiana on the 17th, where he was told of the date for the rising having been advanced to the 19th.

IV. ACTIVITIES OF THE REVOLUTIONISTS AFTER THE 19TH FEBRUARY.

We have now seen how the intended rising in Lahore failed on the 19th February; how troops in other stations did not rise, and how the important coincident array, which went down to Ferozepore to start the conflagration there, came to grief.

In the last case we stopped at this point; but we are now in possession of evidence showing that the activities of the revolutionists had by no means ceased.

These activities we propose now to discuss.

(1) THE AFFAIR AT DORAHA BRIDGE.

The Doraha Bridge affairs.

The affair at the Doraha Bridge was referred to in the L. C. C. as one of those attempts at securing arms by attacks on railway bridges, which, as we saw then, was an integral part of the revolutionary programme; a method later employed, unfortuately with success, at the Walla Bridge.

We have fuller evidence in this case in regard to this incident.

Bhagat Singh, approver (p. 170), tells us that, after the failure of the proposed attack on the Ferozepore arsenal on the 19th February, he. Mastan Singh (58) and Harnam Singh (23) left for Doraha; Harnam Singh telling him they were to go there to seize arms. Near Gurthali they met Nand Singh (L. C. C.) and Ganda Singh (17), who had 6 bombs in their possession; and they pointed out a spot where they were to assemble that night. The two of them attended at the rendezvous on the 21st February, there meeting Ganda Singh (17), Gurmukh Singh (L. C. C.), Nand Singh (L. C. C.), Sewa Singh (79), Arjan Singh and Banta Singh and others.

At midnight, after testing the bombs they had. they set out for the bridge, with arms and bombs; but, when they got to the bridge. they feared to attack it, as there was a well-armed guard of 12 men. Ganda Singh, however, went on, and after reconnoitring, returned and advised them to go home if they were afraid. Gurmukh Singh (L. C. C.) returned to Doraha Station, and the rest to Gurthali bridge, and thence witness went to Jagraon.

This witness' diary shows he left Narangwal for Doraha on the 20th, was at Doraha on the 21st, and with Harnam Singh (23) reached Jagraon on the 23rd, where he remained two days.

Udham Singh of Hans (p. 197) also tells us that, after the failure at Ferozepore on the 19th, it was arranged that the Doraha bridge should be assaulted on the 21st; and on that date he, accused 32, Rur Singh (L. C. C.) and Chanan Singh left for Doraha, Uttam Singh (98) promising to follow. They reached Doraha about 1 P. M., and there met Buta Singh (W. B. murderer), who told them he had failed to meet the other party, and accordingly, they abandoned their design, and went back to Ludhiana.

Anokh Singh, approver (p. 246), who was also in the Ferozepore affair, and went from there to Lahore, Ludhiana and then to Dhabla with 36,

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Gurmukh Singh and Harnam Singh, tells us the 21st had been fixed for an attack on Doraha by accused 17 and 98 at Ferozepore; and Gurmukh Singh (L. C. C.), Harnam Singh (L. C. C.), Jaswant Singh (36) and he proceeded to Doraha, where they met accused 23 and Bhagat Singh, approver, near a canal bridge. At night some 20 men, including accused 36, 23, 17, 58, Gurmukh Singh (L. C. C.) and Harnam Singh (L. C. C.), with bombs and arms, started for the Doraha bridge, after testing the bomb materials they had. He states Ganda Singh (17) went in front and reconnoitred, returning to say the guard was too strong, and so the enterprise was abandoned for the time being.

Bhagat Singh (p. 171) states that when the attack of the 21st was abandoned for lack of men, Gurmukh Singh (L. C. C.) said he would bring more men, and renew the attempt on the 26th; and, accordingly on that day, he went, *viâ* Ludhiana, to Doraha but found none of Gurmukh Singh's expected party, so returned to Gujarwal, where he met accused 23, and asked him why he had failed to turn up.

The diary shows he left Narangwal for Doraha on the 20th, was at Doraha on the 21st; at a "meeting" at Lil on the 22nd; went again to Doraha on the 26th, and was at Gujarwal with Harnam Singh on the 28th.

Anokh Singh (p. 246) also says that the attack was potsponed to the 26th, and he and Gurmukh Singh (L. C. C.) set out for Lahore to bring more men for the purpose, but he parted from Gurmukh Singh at Ludhiana, and fled to Burma.

Anokh Singh's statement is also corroborated by the Railway booking registers. Ram Lal (p. 290), Booking Clerk of Ludhiana, proves the issue of four 3rd class tickets to Dablan on 21st February 1915, which Mulk Raj collected at Dablan, and issued 4 from there to Rajpura, where they were collected, and 5 tickets issued to Doraha by Ragbat Rai (p. 291), of which 4 were collected at Doraha by Kishen Sarup.

(2) Sedition in the 23rd Cavalry.

We have already dealt with this matter in the general section relating to the seduction of troops.

We need only add here that one of the men who seems to have attempted some sort of reorganization is Prem Singh (67). He was, after the 19th February, constantly in the lines of the 23rd Cavalry, practising and preaching sedition. On one of these visits Prem Singh explained that, as two organized risings, *viz.*, those of the 26th November and 19th February had come to grief, he had arranged that small parties, armed with bombs and pistols, were to wander about committing murder. Wasawa Singh and Puran Singh both tell us this; and there is no doubt that this method of insurrection, advocated by the *Ghadr* as "guerilla warfare," was adopted, and men were murdered, as we have already seen, and bombs prepared wherewith to murder others.

(3) The Kapurthala Raid.

The incident, which we refer to as the Kapurthala raid, took place in June 1915. It was part of the effort at reviving the revolutionary movement, which appeared to have been broken in February, and is closely connected with the Walla Bridge murders, with which, however, we have dealt separately.

The most important witness in this connection is Bachan Singh of Dhudike.

We have seen that this man was first seduced (as alleged) by Pakhar Singh (62), a relative of his returned from Hong Kong; and that 62 was constantly visited by accused 70, 98, Banta Singh (hanged), Buta Singh (hanged), 36, 32, and 53, 65, 2, Kapur Singh, Bhagat Singh, and others.

He tells us (p. 188) that Pakhar Singh (62) came and told him and accused 72 they must be ready in a few days to accompany him, as Isher

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Singh (32) and Banta Singh (hanged) required help for work in Kapurthala, and directed them to go there to loot the magazine and seize arms. The matter was discussed with accused 72, 63 and 64, and Pakhar Singh told them accused 32 would meet them at Kapurthala Station. Accused 72 and he went to Kapurthala on the 5th June ; were met by accused 32, 2, Kapur Singh and a havaldar, and taken to a garden, where a body of men, 18 or 19 in number, and including accused 32, 2, 72, 98, 6, 70, 36, 67, Kapur Singh, Buta Singh (hanged), Banta Singh (hanged), Chanan Singh (W. B. murderer), Kala Singh (W. B. murderer) and a Salutri (71) held a meeting. The meeting disacussed the looting of the magazine at Kapurthala, and the " Havaldar " promised to show them the road. It was, however, decided that the attack should be postponed till the following Saturday (June 12th) and extra men collected. In the meantime, it was decided to attack the Walla Bridge, and procure arms for use in looting the magazine. We need not follow the Walla Bridge enterprise again at this stage. After that raid had been successfully accomplished, witness says that Rur Singh (72) and he separated from the other murderers to go to Kapurthala, whither the others would follow. He states they went on to Kapurthala, where they met Prem Singh (67), who took them into the jungle ; where they were joined by the Havaldar and accused 71. This was on the 12th June. There they heard that the State authorities had got wind of the assembly on the 5th June, and had already arrested Buta Singh (hanged) accused 2, 6 and Kapur Singh on the following day; and as there were insufficient people to attack the magazine, the proposal was abandoned. The " Havaldar " told them accused 64 had arrived to help, and next morning they saw him, and he told them 62 had sent him for this purpose. 72 and witness left Kapurthala, and the story of their wanderings may be left, as we have discussed it in connection with the Walla Bridge murder.

The second important witness is Amar Singh (p. 240), approver of Usmanpur.

He had promised to join the revolutionary movement, at the instigation of the absconder Jawand Singh (36) ; and he tells us that Buta Singh (hanged) and Bir Singh (6) came to him on Jawand Singh's directions. Buta Singh told him a havaldar in Kapurthala, in charge of the magazine, had promised to supply the revolutionaries with all the arms he had, and witness was told to go on to Kapurthala the following Saturday, *viâ* Kartarpur. He did so, and was met at Kartarpur by accused 20; and on the road to Kapurthala they met accused 70, and, further on, accused 6. The latter took them to a field, where a party of 19 men were assembled, including Buta Singh (hanged), Banta Singh (hanged), accused 6, 36, 7, 20, 67, 98, 32, 70, 2, 71, 72, Bachan Singh (approver) and others, who, we are told, were Chanan Singh, Kala Singh (W. B. murderers) and Kapur Singh, accused 39 (discharged). Some of these men were armed. After discussing whether they were strong enough to attack the magazine, it was decided to postpone the assult till the next Saturday, and attack the Walla Bridge post in the interval. The witness and accused 20 left together, witness eventually going home. The witness did not go to Kapurthala on the 12th, as he realized the proposal was absurd, and he dropped his connection with the *ghadr*.

Nand Singh, approver (p. 236) states that in April, accused 53 and 85 came to Arjan Singh at Daudhar, looking for accused 32. These men talked sedition to him, and he tells us (p. 237) that on the 2nd June he also attended the meeting at Chuhar Chak near Daudhar preparatory to the Kapurthala raid, which was attended by accused 2, 32, 53, 62, 64, 80, Kapur Singh, Banta Singh (W. B.) and Arjan Singh (approver).

Kapur Singh asked for money to get materials for a bomb to use at the forthcoming attack on the Kapurthala magazine on the 5th. Arjan Singh, approver, informed this witness of the proposed assault ; but witness was unable to take part in it, as he was arrested on the 4th June, and placed on security.

The meeting of the 2nd June, preparatory to the attack on Kapurthala, is also testified to by Arjan Singh (approver) (p. 200).

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He tells us that Pala Singh (64) and Nand Singh asked him to attend ; and he did so, finding assembled 32, 62, 53, Kapur Singh, 2, 63, 80 and Banta Singh (hanged). A "committee," consisting of 32, 2, 62, Banta Singh and witness was appointed ; and 32 informed them that, on 5th June, a large party would collect at Kapurthala to attack the magazine, with the help of a havaldar ; and it was agreed to go there. Arjan Singh (2) and Kapur Singh were given money to get bomb materials for the attack. Like Nand Singh, this witness was prevented from going to Kapurthala, as he was restricted. He met Ishar Singh (32) on the 9th, and refused his invitation to go to Kapurthala on the 12th.

The corroborative evidence is of a somewhat unusual character.

Sunder Singh and Harnama *Bawarias* (p. 227), say they were looking out for the whereabouts of partridges in *Jeth* ; and, while doing so, they came across some tracks behind the Military barracks at Kapurthala.

These tracks, which raised their suspicions, they followed up, till they came to a spot, where they saw, from the tracks, there had been a gathering of some 18 men. There were traces of *chhavis* in the sand ; and some of the men had apparently burst through a thorn hedge. Their suspicions being confirmed, they retraced the original tracks. Seven men had gone on to Kartarpur, 3 to Cantonments, and four to Kala Sangian. The tracks of all but these four were lost on *pakka* roads ; so they followed up the four to Kala Sangian, where they enlisted the help of a constable, and went on to Chitti ; where, having been joined by a lambardar, they followed the tracks to the *Gurdwara*, where 4 men, including Bir Singh (6), who had a *chhavi*, were arrested.

Police Constable Mahan Singh (p. 227) states the last two witnesses asked him at Kala Sangian to follow the tracks of 4 doubtful men. He did so, and at Chitti Dharamsala found, and arrested, Buta Singh (hanged), accused 6, 2 and Kapur Singh.

Mohan Singh, the lambardar (p. 228), gives corroborative evidence ; and Sub-Inspector of Police Muhammad Hussain p. 228) deposes to going to Chitti, on receipt of the information as to the arrests, and taking over these men.

S. Suchet Singh, Superintendent of Police, Kapurthala (p. 222), on information received, also went and saw the 4 men arrested at Chitti, and ascertained there had been a meeting at Kapurthala on 5th June 1915 ; and he later heard from Ikram-ul-Haqq of Bachan Singh, approver, who spoke of a State "havaldar." This man was eventually ascertained in September to be really a sepoy Bhagwan Singh.

Inspector Ikram-ul-Haqq (p. 283) states he ascertained the name of Bhagwan Singh from accused 32 on 28th September ; and on this information he went to Kapurthala, and had Bhagwan Singh arrested ; and the method by which the police got on to Amar Singh and Bachan Singh is explained by Fazal Imam (p. 300), who informs us that Buta Singh (W. B. murderer) gave him certain particulars at Hoshiarpur on 6th July 1915, mentioning among others Amar Singh. Later he obtained Bachan Singh's name from accused 53.

In our section dealing with the Walla Bridge murders we found that clothes of the murdered men and the murderers were found with Bhagwan Singh, sepoy.

Before dealing with the confessional statements, it is necessary to touch briefly on the evidence corroborative of accused 64's going to Kapurthala. His individual case will, of couse, be discussed later, along with his counsel's arguments.

Havaldar Bir Singh of the 36th Sikhs deposes to accused 64 taking a month's leave, which expired on 6th June 1916 ; but, on the plea of illness, he did not return until 26th June 1915.

Makhan Singh and Ami Chand (p. 234) both say they saw accused 64 at Gondwal on 13th June 1915 ; and Sub-Inspector of Police Ralla Ram

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(p. 235) informs us it was accused 64, who mentioned having visited Gondwal on his way back from Kapurthala, and pointed out the shops of these 2 witnesses. He also mentioned going to Patti on the way home, and pointed out the shop of Abdulla there; and Abdulla p. 234) testifies to accused having a shirt (p. 85) made at his shop. This shirt was found among 64's effects by Sardar Bahadur Subedar Bishen Singh (p. 247) on 7th September 1915 at Peshawar.

The prosecution evidence is supported by the confessional statements of accused 53, 62, 64 and 80; which have been retracted before us.

Mahindar Singh (accused 53) states in his confession that, towards the end of May, accused 62 and Bhagat Singh went to a minor near Daudher, whither he also went, meeting others in search of Ishar Singh, 32; and eventually, on the 2nd June, he again went to the same culvert with the express object of meeting Ishar Singh. There he found assembled accused 32, Banta Singh, Kapur Singh, Arjan Singh (approver), Arjan Singh (2), Nand Singh, 63, 64, 80 and 65. A consultation took place, in which it was determined to go to Kapurthala on the 5th to wage war; but he himself did not go on that date. On the 9th he was again seen by 32 and 98, and asked to go the following Saturday, *i.e.*, the 12th; but he again did not do so.

Pakhar Singh (accused 62), also of Dhudike, after recounting in his Magisterial statement the seditious propaganda in his village, says that Banta Singh (hanged) and 32 told him of the projected meeting at the culvert, and directed him to inform certain other men. On the appointed day, *i.e.*, the 2nd June, Arjan Singh (2), Kapur Singh, 53, Banta Singh, 32, 63, 64, 80, Arjan Singh, Nand Singh (approver) met there, and they were ordered to meet at Kapurthala on the 5th to raid cantonments and seize arms with the assistance of a "havaldar." He states he and accused 53 did not go to Kapurthala, as he was ill; but he states Bachan Singh and accused 72 did. Some days after 98 and 32 came back to Dhudike, and said that, as only 19 men had met at Kapurthala, the attack had been temporarily abandoned, but another attempt would be made on the 12th. Pala Singh (64), he says, after consultation with him, did go on this occasion, but he himself stayed at home. He adds that about 15th June 1915 he saw 72 and Bachan Singh, approver, who told him they had been to Kapurthala on the 12th, as well as 64, but as only 7 or 8 men foregathered they had dispersed.

Pala Singh (64) also made an incriminating statement to a Magistrate on 13th September 1915. He is a sepoy of the 36th Sikhs, and came home to Dhudike on 2nd May 1915. While at home Arjan Singh (approver) prevailed on him to join in a raid on Kapurthala. On the 2nd June, 62 and 53 asked him to bring Arjan Singh and Nand Singh to the culvert, which he did, there meeting 63, 62, 53, 80, 32, 2, Kapur Singh and Banta Singh. He was there told to go to Kapurthala the next day, but he did not go. On the 11th, accused 32 and 98 turned up, and again urged him to go on the 12th. After talking it over with 62 he did go, but found no one at Kapurthala. He says, however, he did meet Bachan Singh and 72 near Kartarpur; then he proceeded to Gondewal, Patti, Bhoperai and home, and he gave information, which led to evidence being found as to his movements on the way home.

Sham Singh (80) says in his confession that he went to the culvert meeting, and there saw 64, Nand Singh (approver), Arjan Singh (approver), 63, 32, 53, 62, Banta Singh (W. B.), where a consultation took place, which he did not overhear; but he was told afterwards, on the way home by 62, that some revolutionists intended meeting at Kapurthala the following Saturday, to plunder the treasury there, seize arms, murder all English people, and thereafter set up their own Government. He promised to go himself, if he could; so did accused 53; but he thought better of it, and did not go.

This evidence clearly establishes that there was an *array of armed revolutionists* at Kapurthala on the 5th June, which abandoned the proposed attack on the magazine there, owing to scarcity of numbers; that one body was detached to attack the Walla Bridge, to secure arms wherewith to renew the attack on the magazine on the 12th, an attack which was not

renewed, though some revolutionists did meet to carry out the design, because a number of the men were arrested at Chitti and in the pursuit which followed the Walla Bridge murders.

D.—THE CONNECTION OF THE REVOLUTIONISTS WITH GERMANY.

In our judgment in the first conspiracy case we discussed the evidence, then available, as to the connection of the revolutionists with Germany; and we came to the conclusion that there were indications of a possibility of some definite understanding between Germany and Hardial, and evidence of the readiness of Germans to assist the revolutionists, whenever they could.

In the present case, in addition to those indications, we have some other ones. Puran Singh (p. 125), an *ex*-sowar of the 23rd Cavalry states that Hira Singh (28) told him at Charar that Germany had arranged to send back all Indian prisoners of war, *viâ* Persia and Kabul to help the revolutionists.

Wasawa Singh (p. 128) asserts that Balwant Singh (the man who enlisted as alleged in the 23rd Cavalry, with the express purpose of spreading disaffection), told him the German Government was behind Hardial, and that many of the arms, brought by the returning emigrants, had been supplied by Germany.

Nand Singh (p. 235) states he was told in Penang by the *Tosha Maru* passengers that Germany would provide arms and ammunition, and would otherwise help the revolutionists.

Arjan Singh (p. 199) also tells us that, at Penang, Kesar Singh (L. C. C.) dilated on the opportunity the war with Germany gave the revolutionists for the overthrow of the British Government.

Chanan Singh (p. 247) also tells us that accused 69 asked him to help in propagating revolution, while the German war afforded a suitable chance.

Khushal Singh (p. 273) states accused 61 preached in Mauza Sur Singh of the coming of the Germans to India. Karm Chand (p. 281) speaks of similar lectures by accused 81 in Buta Kalan; and Jhanda Singh of like lectures in Thikriwala.

Labh Singh (p. 307) tells us that. in Bangkok, accused 28 spoke of the war with Germany, as affording revolutionists their opportunity.

Sucha Singh (p. 356) said he was told by a co-revolutionists that there were 75,000 rifles in Bengal sent by Germany for their use; no doubt an exaggeration but still indicative of the expectations of the *Ghaur* people.

This additional evidence does not, of course, prove judicially that there was a clearly defined arrangement between the revolutionists and Germany. To establish such a connection would be well nigh impossible; but it does strengthen the opinion we previously formed, *viz.*, that there is a possibility of such a connection; and we are quite satisfied that the outbreak of war with Germany was regarded as the psychological moment for a revolution in India, in which it was expected Germany would participate.

E.—FINAL CONCLUSIONS.

We have little to add to the conclusions we arrived at in the former case; but, as there is now new evidence, we propose to restate at slightly greater length the conclusions we have again formed.

We are satisfied that in May 1913 Hardial commenced to stir up inflammable material in America into a state of hostility towards the British Government; and proceeded, with others, including some of the accused, to

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conspire and prepare for an insurrection in India, with the object of overthrowing the Government established there, at some date to be determined in the future.

In pursuit of this conspiracy meetings were held in various places in America; and a revolutionary paper started in San Francisco, Indians induced to become members of revolutionary societies, and a regular plan of campaign adumbrated for the prosecution of the war when started.

With the aid of sympathizers and agents, and the sedulous distribution of inflammatory literature, many recruits were obtained in the Far East, particularly in Shanghai; and men were induced to throw in their lot with this revolutionary movement in Shanghai, Hong Kong, Manilla, Penang, Singapore, Siam and in India itself.

Eventually, the inflammatory material in Shanghai and in America burst into a flame in July and August 1914; the approximate causes being the *Komagatu Maru* affair and the breaking out of war with Germany, the latter being regarded as giving an opportunity for the commencement of the war which had been advocated in the *Ghadr*.

The first warlike arrays were made, almost contemporaneously, in Shanghai and America. In July an armed gang of men sailed from Shanghai for India, arriving in October; in August a larger armed gang of men, collected in Oregon and elsewhere, left San Francisco, arriving in India in November. Other armed gangs also left America and Shanghai for the same purpose, picking up *en route* to India recruits for the revolutionary force.

Subsequently, other recruits followed by various ships from various settlements, and *en route* several bodies of men attempted to seduce troops, collected arms and men.

Arrived in India, such of the revolutionists as were not interned came up to the Punjab, and proceeded to inoculate troops and villagers with revolutionary ideas, urging them to join in the next step in the war.

It was arranged that on the 26th November there should be an armed military array at the Jhar Sahib, which was to be joined by mutineers from the 23rd Cavalry, and which was to march on to Sarhali, Patti and Tarn Taran. The mutineers in Lahore armed and prepared to ride out, but with a few exceptions did not move; the armed military array assembled at the Jhar Sahib and Khairon, and marched on Sarhali, and then dispersed.

Others, in the pursuit of and furtherance of war, made an armed demonstration on the 25th November at Lahore Cantonments; and then moved to Ferozepore with the intention of assaulting the arsenal there on the 30th November. Part of this gang, armed for the purpose of an assault on the Moga treasury on the 27th November, encountered police and others; and, in resistance to lawful force, attempting to prevent them proceeding, killed two men and continued a military display, until captured or dispersed.

Others of the revolutionists, in pursuit of and in furtherance of the same war, seduced troops, villagers and students, manufactured bombs and ammunition, and secured arms and committed dacoities with murder.

Attacks on railway communications were planned and attempted in December 1914 and January 1915; each one of which is in itself an act of war.

As a final act of the war which was to overthrow the British Government, a contemporaneous rising of troops and other revolutionists was planned to take place on the 19th February in Lahore, Ferozepore, Ambala, Meerut and other places.

Troops were ready to move in Lahore on that date, and villagers were collected; but, owing to the police obtaining information in time, this movement was checked. Mutinous troops were also ready to move in Ferozepore in conjunction with revolutionists collected to join there. A gang of revolutionists moved from villages in the Ludhiana District to Ferozepore on the 19th

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February, and assembled in Cantonments to join the mutinous troops. The troops were unable to move, as their ringleaders had been discharged from lines that morning, and the gang dispersed. Part of the gang moved to Doraha to assault the railway bridge guard there on the 22nd February, armed with bombs and revolvers, but failed in the attack.

Thereafter, although the leaders were gradually arrested, some of those still at liberty continued in prosecution of the war to seduce troops, manufacture bombs, collect arms and project dacoities; and, in order to prevent loyal citizens assisting Government, to murder such as had assisted either in arresting revolutionists or giving information leading to their arrest.

In further prosecution of the war, an armed gang met on the 5th June to attack the Kapurthala magazine, there to secure arms and attack the Lahore and Montgomery jails. The attack was postponed to the 12th, as the gang was considered insufficient; and a portion despatched to attack the Walla Bridge, which was successfully assaulted on the 11th, two soldiers being killed in the assault.

This was the last armed array of which we have at present any knowledge; and from that date onwards a number of other leaders have been gradually arrested.

We regard acts done up to July-August 1914, as acts of conspiracy to wage war; acts thereafter, when once the war had started, as acts of war or in furtherance of war and abetment of such war.

F.—WAGING WAR.

Reasons for discussing the term "waging war."

In our judgment in the first Conspiracy Case we did not think it necessary to discuss at any great length the meaning of the term "waging war," in section 121 of the Indian Penal Code. We considered the facts found were so obviously acts of waging, or the abetting of waging war, that it would be a profitless task to discuss the legal aspect at any length; particularly when it was never seriously urged by anyone for the defence that, if the facts were established, they did not, in law, amount to acts of war or abetment of war.

In the present case, it has been advanced by Counsel, however, that, even if the facts alleged are found to be established, they do not amount to acts of war, or attempt at war or abetment of war, but to some lesser offence, such as conspiracy, or preparation as the case may be.

Presuming that this argument is advanced seriously, we must discuss it, though the discussion will extend to several pages.

Considerable play has been made with the judgment of the Calcutta High Court reported as XXXVII, Cal. 467, as if that judgment were an authority in support of the proposition, that there has been no waging war.

To understand that judgment, a judgment, which so far as it touches the question of waging war, there is no necessity for us to contest, and to understand the meaning of the words "waging war" in section 121, Indian Penal Code, it is necessary to consider the origin and history of the law relating to High Treason in England.

25, Edward III c. Cap. 2.

The first legislative enactment in England regarding High Treason is 25, Edward III, Cap. 2, in which it is declared that it is treason—

(*a*) "when a man doth compass or imagine the death of our Lord the King . . . provided the offenders shall thereby be proveably attainted of open deed by the people of their condition (*de ceo soit proveablement attaint per gentz de leur condition*)";

(*b*) "if a man do levy war against our Lord the King in this realm."

There are other declared treasons in this Statute, but we are not concerned with them.

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This statutory definition of the law was expanded and explained in the temporary Act 36, Geo. III, c. 7, and made permanent in 57, Geo. III, c. 6. These Acts did not repeal the old Statute; but, for reasons which do not concern us, Parliament considered the law should be explained in the new Statutes. 36, Geo. III, c. 7. 57, Geo. III, c. 6.

By these Statutes it was *inter alia* made treason—

(*a*) to compass, imagine, invent, devise or intend death or destruction, or any bodily harm, tending to death or destruction, maim or wounding, imprisonment or restraint of the person of His Majesty;

(*b*) to compass, imagine, invent, devise, or intend . . . . to levy war against His Majesty within this realm, in order by force or constraint to compel him to change his measures and counsels, or in order to put any force or restraint upon, or to intimidate or overawe both Houses, or either House of Parliament.

The law was again dealt with in the Statute 11 and 12, Vict., c. 12, commonly known as the Treason Felony Act. 11-12, Vict., c. 12.

The immediate occasion of this Act was to extend the provisions of 57, Geo. III, c. 6, to Ireland, and, incidentally, to provide a less complicated system of trial than that afforded in cases of high treason.

The effect of this Act, which expressly retained the provisions of the Statute of Edward III, was to make the compassing of the levying of war, treason felony, while still keeping the actual levying of war and the compassing of the King's death in the category of treason.

Levy of war always treason.

There are a number of points to notice in regard to these statutory provisions.

The first is, that the levying of war has always been treason; and, though in 11 and 12, Vict., c. 12, the penalty has been reduced, where the levying of war has been merely devised, and the offence made a felony, the constituents of the offence of levying war have not been altered. It is still high treason to levy war against the King, as defined in the Statute of Edward III; it is treason where the levying of war has been actually put into effect; it is treason felony where it has not gone beyond the stage of devising: and the difference between treason and treason felony finds its counterpart in India in the difference between section 121 and 121-A of the Indian Penal Code.

Procedure under Statute of treasons.

The second point to notice is that the procedure under the old treason law was very cumbrous and full of technicalities; and accordingly, to avoid these difficulties, it has been customary, since 11 and 12, Vict., c. 12, to indict persons, guilty of actually levying war, for the devising of levying war. The reason for so doing is not because of any change in the law relating to the levying of war; but simply because of the convenience in so doing, and because in England cases since the Treason Felony Act, which were in law cases of treason, have not been of such dangerous import as to require a prosecution for a capital offence.

Meaning of Overt Act.

The third point we have to notice is the phrase "Overt Act," which first occurs in the Statute of Treasons (25, Ed. III, c. 2), and reappears in subsequent Statutes, legislating in regard to treason by compassing.

As stated by the Lord President in *Rex* versus *Wilson*, reported in 2 Green, 333 and 661, "the use of the technical words, 'overt act and deed' has created a little confusion in the law of treason," and we fear the confusion referred to by the Lord President is not confined to England.

We have seen that the law of treason in England consists of two parts, one the compassing of the King's death, or the devising of levying war; the other, the actual levy of war; that is to say, one kind of treason consists in intention, the other kind in action.

The law in England has always insisted that the "compassing" shall be proved by an overt act, indicating the intention; for the reason that it is, humanly speaking, impossible to predicate what a man's intention is until it is established by action.

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It is partly for this reason that the actual murder of the King is not treason; but such murder becomes an overt act establishing the treason, which consists in the compassing of the King's death.

So, too, the actual levying of war has been used, in the first place, as an overt act to establish the intention of the offender to levy war; but, as the act is itself treason, it has been customary in England to use the levy of war not only as an overt act to establish intention of levying war, but as a substantive act of treason in the second counts of an indictment.

It is thus clear that an overt act is merely the proof of intention, where intention constitutes the offence; but where that overt act is itself a substantive act of treason, it is a misnomer to talk of an overt act being necessary to prove the substantive act.

We must add the further caution that the overt act necessary to establish treason by intention need not be an act of treason itself.

We cannot perhaps do better than quote from a few English cases.

In *Rex* versus *Wilson* (2, Green, 333 and 661) the Lord President stated in his address to the Grand Jury :—

" Now, gentlemen, an overt act or deed, manifesting an intention to commit . . . . treason need not necessarily be an act of treason itself, *e.g.*, suppose that there is an undoubted scheme proved to raise insurrection or to levy war against the King . . there can be nothing more innocent than the ringing of a bell . . . but if it be proved that this was to be the signal of insurrection, this act, innocent in itself, is an overt act of treason." This is to say, it is an overt act intimating the treasonable purpose in view.

In *Rex* versus Jas. Watson (32, State Trials, 1) Bayley J. ruled :—

" Overt acts do not constitute the treason, that is comprised in the compassing of the King's death . in the conspiracy to levy war, or in the actual levying of war; but these which are called overt acts . . . are the evidence by which the charge is supported, and are stated in the indictment to enable accused to know what are the overt acts (*i.e.*, evidence) they have to meet. In considering the overt acts, stated in the indictment, the question is were those acts done in order . . . to accomplish the offence."

In *Rex* versus *Thistlewood* (33, S. T., 684) the position is very clearly explained by Abbott, L. C. J. He stated to the Jury :—

" You will have observed that in the several descriptions of offence, which I have enumerated (except thelevying of war mentioned in the ancient Statute), the crime is made to consist in the compassing, imagination or intention . . to perpetrate the acts, and not in the actual perpetration of them . . . . . The law has . . . . provided that in cases of this kind . . . . the intention shall constitute the crime, but . . . has, at the time provided that the intention shall be manifested by some act, tending towards the accomplishment of the criminal object "—and having recited certain acts, which may be overt, the learned L. C. J. concludes : " All these . . . . are competent overt acts . . . . of the particular compassing and imagination to which they may . . . apply."

Perhaps, however, the simplest exposition is that of Traby L. C. J. in *Rex* versus *Captain Thomas Vaughan* (13, S. T., 496), where he states :—

"I thought it most natural that the word 'overt act' should relate to the first article, *viz.*, compassing and imagining of the King's death; for overt act seems to be opposed to something of a contrary nature; act is opposed properly to thought, overt is properly opposed to secret. And that sort of treason consisting in secret thought and internal purpose, cannot be known, tried and judged of, without being disclosed and manifested by some external act: wherefore it is . . . . reasonable . . . to attaint a man of such treason, that the indictment should . . . set forth the act, as well as the thought . . . . But such order . . doth not seem . . necessary, in framing indictments for other treasons, where the treason consists in visible or discernible facts, as levying war."

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We may also refer to the remarks of the Lord Chief Jnstice in *Reg* versus *Frost* and others (4, State Trials, New Series 86), in which he makes it clear that the act of treason consists in the intention, and that "overt acts" do not constitute the treason, but are the "indicia," or proof, of treason.

The law in India does not require an "overt act" to be proved in proof of a conspiracy to wage war; the conspiracy is sufficiently proved by proof of the agreement to wage war; and the argument that a substantive act of war, *i.e.*, the act of waging war, requires other acts, overt to it, to be proved before conviction can be had for the substantive act itself, is an argument which has no basis in law, logic or common sense, and rests on a misconception of the meaning of a common English legal term.

But, as we will see later, even if an overt act were necessary to prove a substantive act, acts held in England to be overt to a compassing have been proved over and over again in this case.

Accessories and abetment.

The fourth point we have to notice is that in the English law there is no such thing as abetment. A person who in Indian law "abets" would be guilty in England of being an accessory *at* or *before* the fact. Over and above this, the English law recognises a man being "an accessory *after* the fact," a position not recognised by the Indian law, under which a man, who would in English law be punishable for being an accessory *after* the fact, can only be punished for the act he has committed, without reference to its being accessory to the previous fact.

In the English law of treason, however, there are no accessories; all who in any way further the design of treason are equally guilty of the treason, whatever their particular part may be. The result is in English law, that, if there has been a levying of war, any person who has in any way promoted the levy of war is guilty of levying war. This is made perfectly clear by Lord Mansfield in the proceedings against Lord Geo. Gordon (21, State Trials, 645): "Whoever incites, advises, encourages, or is any way aiding to such a multitude (*i.e.*, levying war) . . . . . though he does not personally appear among them, or with his own hands commit any violence whatsoever is equally guilty."

In this matter the standpoint of the Indian law is different from that of the English law, though the ultimate result arrived at is the same.

The Indian law recognises a distinction between the act, and the abetment of the act, of waging war; but, while recognizing the theoretical difference, provides the same punishment for the two.

The acts, which the English law treats as acts overt to a compassing of the levy of war, and which are employed to prove the guilt of the person doing them when indicted for levying war, become in Indian law acts of abetment, *e.g.*, in English law, a man who provides arms for an insurrection which takes place would be indicted briefly thus—

(*a*) for compassing . . . . the levy of war by providing arms;

(*b*) for levying war;

while in India he would be charged for abetting the waging of war by providing arms.

The doctrine of general purposes.

The fifth matter we have to notice, is the doctrine of "general purposes" in the English law of treason.

We have seen that the Statute of Edward III makes it treason "to levy war against our Lord the King." By a series of judicial decisions, the phrase "against our Lord the King" has been held to include levying war for any purpose of a general character.

We cannot do better on this point than quote from Foster's "Discourse of High Treason," which forms part of his "Crown Law;" and which, though published so long ago as 1763, is still the recognised authority on the law of treason.

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In Section 4 (p. 210) Foster states :—

"Insurrections in order to throw down all inclosures, to alter the established law or religion, to enhance the price of *all* labour, or to open *all* prisons—all risings in order to effect these innovations of a public and general concern by an armed force are in construction of law high treason, within the clause of levying war; for though they are not levelled at the person of the king, they are against his royal Majesty; and besides they have a direct tendency to dissolve all the bonds of society, and to destroy all property and all Government too, by numbers and an armed force . . Insurrections . . . . for the reformation of real or imaginary evils of a public nature, and in which the insurgents have no special interest . . are, by construction of law, within the clause of levying war."

This exposition of the law has been invariably followed in England.

In the words of Bayley J. in 32, State Trials, I :—

"If there is an insurrection, *i.e.*, a large rising of people to effectuate any general public purpose, that is . . . . a levying of war"; and the doctrine has been so far carried in England that a general rising to put down brothels (*Rex. versus Messenger*, 6, State Trials, 879), to pull down dissenters' meeting houses (*Rex. versus Dummarree*, 15, State Trials, 521), to put down Popery (*Rex. versus Lord Georg Gordon*, 21, State Trials, 485), or to proclaim Chartism as the law of the land (*Rex. versus* Frost, 4, State Trials, 521) have been held to be insurrections "against our Lord the King."

This doctrine, which has in English law led to the inclusion of risings for a general purpose in the category of levying war against the King, caused commentators to draw a distinction between the two; the former insurrections are said to amount to "constructive" treasons, the latter to "express" treasons.

We cannot do better than here advert to Halsbury's Laws of England. In Volume IX, page 453, "Express treason" is defined as "raising war against the King or his forces, or with a view to surprise or injure the King's person, or to imprison him, or to force him to remove any of his ministers or counsellors and the like"; and "constructive treason" as "when there is a rising for some general purpose, as to effect an alteration of the law, or to alter religion established by law, or to break down all inclosures, or to open all prisons, or to pull down all meeting houses."

This disquisition on "levying war for general purposes" is not a pointless disquisition; it is the key to what we understand is Jenkins C. J's. interpretation of the meaning of the word "waging war" in section 121 of the Penal Code.

Though the "levying war for general purposes" is sanctified in English law, by a long series of judicial precedents, as included in "levying war against the King," the position has often been hotly debated in the treason cases tried by English Courts read by us (and we may remark that we have, for the purposes of these conspiracy cases, read the full reports of every treason and treason felony case reported in the State Trials Series since the reign of William III and Mary). Particularly so was the position assaulted in the famous cases of the Lord George Gordon riots, Hardy and Horne Tooke, with the result that, though no impression was made upon the Judges of the Court, the juries refused to convict. It was the difficulty of getting juries to convict on constructive treason charges that led to the passing of 36, Geo. III, c. 7, and later to the Statute 11, and 12 Vict. c. 12, the former making it clear that "constructive treason" was "treason," the latter opening the door to an alternative form of indictment, adopted in practice ever since, of indicting for treason felony.

Indian Laws Commissioners' object.

This desire to mitigate the interpretation of the word "treason" led the Criminal Law Commissioners in their Sixth Report on the Criminal Law of England to propose to restrict the definitions of levying war to forcible attempts to depose the King, or to make him change his measures and counsels, or to intimidate or overawe Parliament; but these recommendations have not been adopted in England. When, however, the

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Indian Law Commissioners sat to consider the draft of the Penal Code, they had before them the 6th and 7th Report of the English Criminal Law Commissioners (see Parliamentary Papers, East Indies—Notes on copy of a Penal Code, prepared by the Indian Law Commissioners printed by order of the House of Commons, 3rd August 1838).

Those papers make it clear that the Indian Law Commissioners aimed at excluding from the Penal Code, for very different reasons, two kinds of treason. They made no legislative provision for compassing the King's death, for the express reason that they considered it improbable that the King would ever visit India; and they intended to confine the terms "waging war" to the waging of war against Government, so abandoning the "constructive" treason of levying war for general purposes.

Their first draft was: "Whoever wages war against the Government .... or attempts to wage such war .... or abets .... the waging of such war"; and the only alteration that was made in the Code, as passed, was by substituting the word "Queen" for "Government."

Now it is argued that the words "waging war" in the Penal Code, mean something entirely different from the words "levying war" in English law. There is not the slightest ground for this argument. Waging equals levying.

The words "waging war against the Queen" have identically the same meaning at the very least as "express levying war against the King"; but they may exclude "constructive levying of war," *i.e.*, the levying of war for general purposes.

That there is no distinction between the words "levying" and "waging" is clear from the reports of the Indian Law Commissioners.

In their first report the words "waging war" used in section 109 of the draft Penal Code are used without distinction from the words "levying war." The report states:—

"It is by no means improbable that persons residing in the territories of the East India Company may be parties to the *levying* of war" .... and, after giving reasons for proposing legislation in regard to this crime, proceeds in the next paragraph (which relates to the abetment of the crime) to speak of "waging war" without any distinction of meaning.

In the second report on the Indian Penal Code, the Commissioners, after adopting the recommendations of the 7th Report of the English Criminal Law Commissioners regarding the abolition of "constructive" treason, proceed to say:

"We conceive the terms 'waging war against the Government' naturally import a person arraying himself in defiance of the Government, in like manner and by like means as a foreign enemy would do, and it seems to us that any definition of terms, so unambiguous would be superfluous"; using in effect the same words as the English Law Commissioners who wrote of "levying war."

We are, therefore, satisfied that the terms "waging war against the King" is equivalent to the term "levying war against our Lord the King"; that is to say, that the physical acts of "waging" and "levying" are the same; the only possible distinction is in the object of that act, that is, the Indian Penal Code may not recognise as waging war against the King, the waging of war for "general purposes."

We have now found the key to the finding of Jenkins, C. J., in 37, Cal., 505, a finding which has been so misconstrued. The key to 37, Calcutta, 505.

What Jenkins, C. J., says is this:—

"It is argued on behalf of the Crown that it was intended by the framers of the Indian Penal Code to produce the English law of treason in its entirety, that is to say, not only the Statute law, but also the interpretation

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placed on it by the cases. But any one who has studied the history of section 121 .... and the literature on the subject, must know that this was not the intention of those who framed the provision. "

The learned Chief Justice refrained from any further discussion as to the meaning of section 121, but impliedly there is a further point raised to which we will come later, *viz.*, the distinction between " conspiracy " or preparation, and " actual waging. "

Carnduff, J., states :—

" I agree in considering that the expression ' wages war, ' which is used in section 121 of the Penal Code, must be construed in its ordinary sense. "

Now, if we take it that the learned Chief Justice meant in the first place that " waging war " is equal to " express levy " and does not include " constructive levy, " it in no way effects the present case, for here we have seen the object of the war was directed against the King's Government. It is arguable that whatever the Law Commissioners intended, their adoption of the words " waging of war " carries with it the same sense as levying war, and therefore includes war for a general purpose, but as we have in this case the express object of war against the King, we are not concerned to decide the point.

The view that the word " waging " is at least equivalent to " express levying " has the support of Dr. Gour in his work on the Penal Law of India.

He writes (p. 493, Volume I.) :

" So far as regards the language employed in section 121, it will be observed that the words therein used are ' whoever wages war. ' whereas the corresponding words used in the English Statute are ' levying war.' Now these latter words have been the subject of much judicial comment, and it may have been supposed that the draftsmen of the Indian Act had purposely avoided the use of words, so much shrouded by judicial interpretation. But that was not their object ; and, as the Law Commissioners take pains to point out, the two phrases were intended to be used in the same sense. Justifying their draft on the strength of the Digest, as prepared by the English law Commissioners, The Indian Law Commissioners wrote ; ' The English Criminal Law Commissioner, it will be observed, have given definitions of the terms "levying war," both as regards the manner of it and as regards the objects intended thereby, which they deemed necessary, in order to put a stop to a latitude of construction beyond what, in their opinion, the Statute of treason (25, Ed. III, c. 5) contemplated, but which has been sanctioned by high judicial authority'. ' The crime ' they say,' is in plain and unambiguous terms, declared by the Statute, to consist in a levying of war. There is nothing to indicate that these terms were to be used otherwise than according to their literal sense ; and indeed the context as well as the history of the times, antecedent to the declaratory Act, confirm the position that they were meant to be used in that sense.' After much reasoning on the subject they say in conclusion ' under these impressions we are inclined to recommend that use of all *constructive* interpretations of the Statute of Treasons .... in the article of levying war ' should be abolished .... "

In another place the Commissioners say :

" The terms of the Statute seem naturally to import a *levying of war, by one, who, throwing off the duty of allegiance, arrays himself in open defiance of his sovereign* in like manner and by the like means as a foreign enemy would do .... so also we conceive the terms ' waging war ' against the Government naturally import *a person arraying himself in defiance of the Government* in like manner and by like means as a foreign enemy would do .... "

Later on p. 496 he adds " wages war " is acknowledged to be a substitute .... for " levying war " in the English Statute, and is used in the same sense.

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The learned author later points out that in a sense constructive treason is included in section 121; because, as the King is not in *India*, there can be no war against him; and what the section means is "the King, as embodied in his Government" and in this we entirely agree, and our conclusion is that "waging war against the King" is equivalent to levying war for the object of subverting Government by law established," and it may possibly include a war for a general purpose. Constructive treason. No need to decide if included in waging war.

In Mayne's Criminal Law (4th Edition), doubt is cast on whether the Indian Law Commissioners did intend to exclude "risings for a general purpose" from the category of waging war against the King, and the compiler concludes:

"When the Indian Law Commissioners speak of the term 'waging war against the Queen' as an unambiguous term, which is not to be subject to the constructive interpretations of the Statute of treason, it is probable they were referring to that levying of war against the Majesty of the King, which led to such cases as those of Messenger and Dummaree (both cases of levying war for a general purpose). They cannot have meant that no case could amount to a waging of war against the Queen, except an armed and organised rebellion for the purpose of substituting the native for the British raj, or handing over the Empire of India to the Russian" and the commentator is of opinion that an insurrection to coerce Government into, say, prohibiting cow-killing, would be a waging of war.

We recognise that it is often difficult to draw the line between an insurrection for a general purpose, and an insurrection directed against the King's Majesty; but it is not necessary for us to attempt to draw that line. We accept, for the sake of argument, the position that an insurrection for a general purpose may not under Indian Law, be a waging of war against the King; but it is of no effect upon the present case, for in this case, it is amply proved that the *Ghadar* movement was not a movement for a "general purpose," but directed at overthrowing the Government by law established by means of force, and substituting in its place a *Swaraj* Government.

We have now arrived at the position that the physical act of waging war against the King is equivalent to the physical act of "levy of war against our Lord the King." The physical acts of war.

What we have now to consider is what constitutes the physical act of "waging" or "levying" war.

There are no reported cases in the Indian Law reports on this subject: the Calcutta and Bombay cases, to which we will refer later, are not authorities on this matter, and we must have recourse to English cases.

We have consulted a very large number of English authorities; in fact all the authorities there are; and these we now proceed to consider.

Foster, the leading authority on treason, says: (a) Foster's Crown Law.

"There is no difference between those insurrections, which have carried the appearance of an army formed under leaders, and provided with military weapons and with arms, colours, etc., and those other disorderly tumultuous assemblies, which have been drawn together, and conducted for purposes manifestly unlawful, but without any of the ordinary show, and apparatus of war before mentioned ..... In the cases of Dummaree and Purchase there was nothing given in evidence of the usual pageantry of war, no military weapons, no banners, nor drums, nor any previous consultation, previous to the rising, and yet the want of these circumstances weighed nothing with the Court .... The number of insurgents supplied the want of military weapons, and they were provided with axes, crows and other tools ...."

We may concede for the sake of argument that the cases of Dummaree and Purchase might not be punishable under Indian Law as cases of waging war against the King, for the reason that their objects were not directed (b) Cases of Dummaree and Purchase.

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against the King, but were for 'general purposes,' but, had their object been to depose the King, the physical acts which they employed would unquestionably have sufficed to make them guilty of waging war.

This view of Foster's as to what constitutes "physical levying of war" has been invariably followed in all English cases. We do not propose to give an account of all these cases, but only to refer very briefly to some of them.

(c) Andrew Hardie's case.

Though by no means the first case, perhaps the most illuminating one for our present purposes, is that of Rex *versus* Andrew Hardie (State Trials, New Series, Volume I, 1820-3, page 610), which was tried under the Act of George III.

The facts of the case are, that on the 1st April 1820 a proclamation, purporting to be issued by a committee of organization for forming a provisional Government was posted in Glasgow, and neighbourhood. It urged the necessity of taking up arms, called upon soldiers to free their country, and requested all persons to desist from labour until order was restored. On the 4th April 1820, the accused Andrew Hardie went to a meeting at Gadshill near Glasgow at 10 P.M. Some 30 or 40 men assembled and marched, armed with muskets and pikes to Concordat, where they were joined by others similarly armed. At Concordat the gang divided into two—one gang stopped 2 soldiers, but allowed them to proceed without further interference. Near Falkirk, some cavalry sent out in pursuit overtook the gang; some shots were exchanged, and the party over-powered.

It is of interest to note, as showing how l ghtly armed it is necessary for a body of men to be, and yet be guilty of waging war, that the arms possessed by these men consisted of 5 muskets, 2 pistols, 16 pikes, 1 hay fork, 1 shaft and a bag of cartridges; and that, beyond injuring one soldier, they committed little damage. Though indicted for treason by compassing the King's death also, the prosecution pressed for a conviction only on the counts of levying war, and devising the levying of war; and the accused were convicted on both counts.

The Lord President in his addresses to the Grand and Special juries stated:

"All our writers and lawyers agree that in order to constitute this treason (*i.e.*, levying war), it is not necessary that the people so levying war should appear in the shape of regular troops, divided into battalions, and regularly clothed, armed and disciplined. Therefore, however, ill-disciplined or armed the people may be, there is no doubt that every rising or insurrection for the purpose of effecting by force . . . . is treason, as an actual levying of war."

This case shows that an array of force, of course with the necessary object in view, is levying of war. No doubt, in the case there was a conflict of a slight nature; that is, there was *bellum percussum* in addition to *bellum levatum*; but the Lord President stated that there can be actual levy of war without great numbers or military arms and array, and without actual use of force.

(d) John Wilson's case.

The same view in taken in Rex *versus* John Wilson, reported in 2, Green, 28.

John Wilson was one of the conspirators with Andrew Hardie, but was tried separately.

He and others met at Strathaven with arms and marched towards Glasgow, with a flag bearing on it a device "Scotland free, or Scotland a desert." He does not appear to have met or resisted any troops, or other persons; or to have even joined Andrew Hardie's party, and nevertheless the Lord President laid it down as law:

"In order to constitute the levying of war it is not necessary that there should be battles . . . . I lay it down as the undoubted law of the land, that the smallest body, which rises in arms (of course with the necessary criminal object) is treasonable and constitutes a levying of war."

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Both Andrew Hardie and John Wilson were executed; and these two cases are very clear that the mere taking up of arms and movement constitutes a levy of war, if directed for a treasonable object.

In Rex *versus* Baird (1 Green 301), the accused, who was also connected with the same affair, was indicted for treason. He had read the proclamation posted up, and assembled with others in arms to obey any commands he might receive to effect the purposes of the proclamation. The Lord President laid it down as law "that the assembling with force and arms of persons with that object in view is a direct levying of war." (e). Bairds' case.

The exact nature of the offence of making bombs, which is of interest to us in the present case, is dealt with in Reg *versus* Gallagher reported in 15 Cox C. C. 291. (f) Gallaghers case.

The Master of the Rolls and the Lord Chief Justice were of opinion that the laying of explosive mines by 3 men would be an actual levying of war; and the L. C. J. indicated that, had the Crown desired it, the men who were in possession of explosives with a mere intention to blow up public buildings could have been indicted, not merely for compassing and devising the levying of war, but for actual levy of war.

He further held that to constitute the levying of war, it was not necessary that there should be a mustering of forces, or an irregular mass of men, equivalent to a number of troops. He remarked that the means of war varied from age to age; and it is the object which determines the offence.

In Reg *versus* Dowling, reported in 3 Cox C. C. 509, the accused was indicted for. (g) Dowlings' case.

(*a*) assembling and conspiring to levy war by—

(*i*) purchasing arms for that purpose;

(*ii*) assembling with others to burn and destroy police stations, etc.;

(*iii*) procuring combustibles for such purpose;

(*iv*) joining a revolutionary society.

Erle J. stated: "It is not necessary that persons should appear in arms, that they should appear in military array, or display military banners. It is evident that numbers, assembled without military discipline, and possessing only the arms which they themselves could furnish, might produce a formidable contest and powerful resistance to the authorities. That there should have been an actual conflict is unnecessary."

He further directed the jury that if it was satisfied that any one of the counts (*i*), (*ii*), (*iii*), (*iv*) were established, they must hold that that was an act of levying war.

An oft-quoted case is that of Reg *versus* Frost and others, reported in State Trials (New Series), Vol. 4, p. 86, tried under the Treason Acts of Edward III and George III. (h) Frost's case.

The offenders in this case were Chartists. Three bodies of men armed with guns, scythes, and similar implements, marched, in separate parties, from the Welsh Hills on to Newport (Mon), with the intention of capturing Newport; which capture was to be the signal for a general rising throughout the Kingdom to establish Chartism as the law of the land. The three parties never met, but one reached Newport, where they were met by the Mayor, some special constables and 30 soldiers. The mob demanded the release of certain Chartists confined in an inn, and, on meeting with a refusal, they attacked the inn, were fired on, and after having some 20 of their number killed, they dispersed.

The case attracted much sympathy at the time; for there was politically little that was obnoxious in the Charter (most of the demands have since been incorporated in the law of the land, *e.g.*, election by ballot) and, so far from the law being pressed to its full logical conclusion the L. C. J. construed it more strictly against the Crown than it has ever been construed, before or since.

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He laid it down that to constitute the levying of war there must be insurrection, and there must be force accompanying that insurrection. He further states that an assembly of men "arrayed in a warlike manner, with any treasonable purpose, is a levying of war, although no blow be struck; and the enlisting and drilling and marching bodies of men are sufficient overt acts of that treason, without coming to a battle or action. It is quite unnecessary to constitute the guilt of treason that the tumultous multitude should appear to be accompained with the pomp and pageantry of war, or with military array. He who leads the armed multitude and retires before a blow is struck; he who remains at home, planning and directing; he who harbours and conceals the traitor are equally guilty. . . . The collection and marching of armed men with an object of a general nature. constitutes the levying of war."

(i) The Nottingham Captain cases.

In Rex *versus* William Turner (32 State Trials 1102) Dallas J. laid it down as law that: "If there has been an insurrection, force and violence made use of . . . . to effect . . . . a general and public purpose . . . then undoubtedly war has been levied; and in Rex *versus* Geo. Weightman (32 State Trials 1385) Holroyd J. ruled: "There is not, in law, any doubt that an insurrection . . . . that is a rising of a considerable body of people . . . attempting to carry their purpose into effect by force of arms, is a levying of war."

Both of these cases are connected with the famous Nottingham Captain affair.

The facts very briefly are that a number of men assembled at Pentridge (Notts) on 8th June 1817, where they discussed revolution and an alteration in Government, and how it could be effected; deciding ultimately to have a general rising the following day. It was decided that persons from various villages should assemble at a fixed place, proceed to Nottingham Forest, and then seize Nottingham. Arms were to be seized, some had already been prepared; and the conspirators were regaled with the recitation of inflammatory verses.

On the following day men did assemble; arms were seized from a few houses; and the gang marched towards Nottingham. On the road they met a small body of soldiers, and, on seeing them, the mob threw their arms, and sought safety in flight, without offering any resistance.

(j) Thistlewood's case.

The case of Rex *v rsus* Thistlewood (33 State Trials 684) is an interesting case; but all we need take from it is the dictum of Abbot, L. C. J., who stated: "It has been established . . . . that the pomp and circumstances of military array, such as usually attend regular warfare, are by no means necessary to constitute an actual levying of war. . . Rebellion at its first commencement is rarely found in military discipline or array, although a little success may soon enable it to assume them."

(k) Watson's case.

In the case of Rex *versus* James Watson (32 State Trials) Bayley J. stated: "It is not absolutely necessary, in order to constitute the offence of levying war, that there should be a regular organized force, or that the persons should be in military array. If there is an insurrection, *i.e.*, a large rising of people. . . . to effectuate any general public purpose, that is a levying of war."

(l) Brandreth's case.

In the cases of Jeremiah Brandreth (32 State Trials 756) and Turner (32 State Trials 957), Richards J. defined levying war thus: "There must be insurrection, force must accompany that insurrection, and it must be for an object of a general purpose."

In these cases all that happened was that a body of men collected and marched with the avowed object of subverting Government. The actors did not choose to meet troops, yet it was held the insurrection was complete, and war had been levied.

(m) Capt. Thos. Vaughan's case.

A case of great interest is that of Rex *versus* Captain. Thos Vaughan (13 State Trials 485,) the authority for the proposition that the "array," which forms the test as to whether there has been a "levy" or not, may be constituted by sailing on a ship with warlike intent, even if there be no actual collision.

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Captain Thomas Vaughan, during the French wars in 1695, set sail with a few companions on a ship called the "Loyal Clancarty" from a French Port, and cruised outside Deal, having on board a few muskets, pistols and two blunderbusses, with the intention of attacking small British trading boats. The enterprise resulted in nothing; as the "Loyal Clancarty" was easily overtaken by a long boat, and the men on board captured without resistance.

Vaughan was indicted for levying war, and adhering to the King's enemies, and convicted.

The Lord Chief Justice in the course of argument put the question :—

"Is it not actually levying of war, if they actually provide arms, and levy men, and in a warlike manner set out and cruise, and come with a design to destroy our ships?"; and to Counsel's objection that such cruising would not be an actual levy of war, without some act of hostility, the L. C. J. supplied the answer that the mere going on board, in a posture to attack, was an actual levy of war.

A complete summary of the English law is given in Halsbury's Laws of England, Volume IX. (n) Halsbury's Laws of England.

The law is there summed up thus :—

"To constitute a levying of war, it is not necessary that blows should be struck; there must be *bellum levatum*, but not necessarily *bellum percussum*. It is sufficient if there is an arming and arraying in warlike manner, as by enlisting and marching troops, or if there is an assembling in great numbers with warlike intent, or a cruising in a ship with a like intent. A small number of persons may be guilty of levying war..... if such persons are preparing to use violent measures in carrying out their purpose, as *e.g.*, by the use of explosives with a treasonable intent."

We do not desire to attempt any exclusive definition of the term "waging war against the King;" and we are far from desirous of stretching the phrase in any particular; but the cases and authorities we have now discussed establish, we think, beyond question that the term "waging war against the King" includes all cases where a number of armed men, assemble with the express object of subverting by force the King's Government as by law established, *and, having so assembled, move to effect such object, whether or not in so moving there is any actual collision with those supporting the King's authority.* Much more is it waging of war, where there has been collision. (o) Defintion of waging war inclusive not exclusive.

With this definition before us, the *collection and movement* of armed men in and from America, and the Far East, and the sailings on the *Korea* and other vessels with the express object of subverting by force the King's Government in India is an act of war: and further acts, which even if standing alone are acts of waging war, in the course of the war then commenced are :— Acts of war committed.

(*a*) the gathering of armed men at the Jhar Sahib and Khairon mound on November 26th 1914, moving to Sarhali,

(*b*) the movement of armed men to Lahore Cantonments on November 25th, 1914, to attack the magazine there,

(*c*) the gathering of armed men in Ferozepore Cantonments on the 27th November, their movement in the direction of Moga to attack the treasury there, their collision (which is *bellum percussum*) at Ferozeshahr, with those resisting them and supporting the King's authority,

(*d*) the collection of men at Mullanpur Station and elsewhere, on the 19th February 1915, and their movement to Ferozepore with the intention of storming the arsenal there,

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(*e*) the gathering of armed men at Kapurthala; their movement to the Walla Bridge, and their attack at that place on 11th June 1915 upon Military forces of His Majesty.

(*f*) the various movements to attack railway bridge guards.

On the most narrow possible interpretation of the term "waging war," it is quite clear that war was waged by the revolutionists.

Particular acts of war not separable.

We wish at this point to make it perfectly clear that we do not regard these several instances of military array as separable; they are all part and parcel of one common war.

They are separate actions in the course of one war; and, though the person taking part in any one of them is indictable for that particular action, he is indictable for participation in the war as a whole as well.

Procedure in England.

This is exactly what has always been done in cases of war or rebellion continuing over a period in England.

(a) Duke of Monmouth's rebellion cases.

We regret we have not been in a position to obtain the reports of the State Trials in England in regard to the Duke of Monmouth's rebellion in the reign of James II; but in any case it is doubtful whether those proceedings would help us, as there is a strong prejudice that the forms and methods of trial adopted were not within the strict bounds of legality.

There are, however, after the reign of James II, three occasions in English history when rebellion has been attempted and continued for a period.

(b) Risings in the reign of William III and Mary.

The first of these occasions was in the reign of William III and Mary; and we might have referred to the indictments in the cases of Sir Jno Friend (13 S. T. I.), Sir William Parkyns (13 S. T. 63), Ambrose Rookwood (13 S. T. 139), Chas. Cranburne (13 S. T. 222), Robert Lourick (13 S. T. 267), Peter Cook (13 S. T. 311), and Alex. Knightly (13 S. T. 398), and to the Bill of Attainder against Sir Jno Fenwick (13 S. T. 538); but we refrain from doing so, for this reason, that though some of them did actually rise in arms and continued in arms for some time; the principle act of treason they committed was adhering to the King's enemies, *viz.*, King Louis of France.

The Scotch cases connected with the rising of 1689 are, however, important. It is only necessary to refer to two of them: the one against Viscount Dundee (13 S. T. 818), and the other against the Earl of Seaforth (13 S. T 1445). In the case of both of these rebels, a recital of generally participating in a rebellion against the King is made; and the indictment against the former proceeds to particularize his rising and continuing in arms in April and May; specific acts of *bellum percussum* in May at Perth; in June in Kyntyre; in July by marching through a part of Scotland; on 26th July by engaging in the battle of Killiecrankie; in August by engaging in the battle at Dunkœld; and subsequently, by collecting men at Inverlochie.

The indictment against the latter particularizes his joining James II, then in Ireland in arms, his collection of men at Donald Island, Kincaill, Lochcarron and Lochelsh; his assembling with others in arms generally, and particularly at Acheltrie and Assin-Lochglun.

(c) The Old Pretender cases.

The second of these occasions was 1715, the rising commonly known as that of the Old Pretender.

The most famous case is that of the Earl of Derwentwater, Lord Widdrington, Lord Nithisdale, Earl of Wantoun, Earl of Carnwath, Viscount Kenmoure and Lord Nairn (15 S. T. 779), who, as peers of the realm, were proceeded against under a Bill of Attainder.

The Bill of Attainder, which is a long document, charged these peers with treason by compassing the King's death, by conspiring to levy war in the counties of Tiviotdale, Northumberland, Cumberland and Lancaster, by the assembling together of several men in a warlike manner in several places and at different times, by procuring arms and ammunition likewise in order to wage war, and by actual levying of war in marching through and invading several parts of the Kindom and seizing Preston, where "*bellum percussum*" took place, the seizure of Preston being indicted as a separate count over and above the other general counts.

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The third of these occasions was in the Young Pretender's rebellion; when, as every one is aware, hostile forces penetrated as far south as Derby. The Young Pretender cases.

There is a long series of cases connected with this rebellion reported in the State Trials.

The first in order is that of Francis Tounley (18 S. T. 330). The accused was in this case indicted for levying war against the King, by assembling together a large body of armed men at Carlisle, by committing an act of "*bellum percussum*" thereafter in Carlisle; and thereafter, and in the course of such war, seizing and taking possession of Carlisle Castle, and holding the same against the King.

There were similar indictments in the case of Geo. Fletcher (15 S. T. 354), Thomas Chadwick (15 S. T. 359), Thomas Deacon (15 S. T. 365) Jno. Barwick (15 S. T. 365), David Morgan (15 S. T. 371), and the Earl of Kilmarnock (15 S. T. 441).

In all of these cases proof was given against the accused of a series of acts, *e., g.* it was proved against the Earl of Kilmarnock that he was at Manchester, at the battle of Falkirk, Stirling, the battle of Culloden, and the siege of Carlisle; and the accused were indicted generally with levying war by all these actions, and particularly by levying war in Carlisle.

The importance of this point, *viz*: that where there is a war extending over a period of time is this that, though each act is separately indictable, and the general levy of war is also indictable the progress of the war is not to be split up into separate water-tight compartments, so, if there is preparation in the course of a war to commit a specific act of war, *e.g.*, an action at Delhi, an action which does not materialize, that act of preparation is provable as an act in pursuance of the general design of waging war.

This brings us to the next point which has been raised. Preparation waging.

It has been urged that the collection of bombs, men, arms, etc., even if proved, are not acts of war or acts of abetment of war; but merely acts of preparation punishable under sections 122 or 121 A, as the case may be.

Reliance is placed on 37 Cal. 475. We will see that there is nothing in that case opposed to the view taken by us in the last and the present case.

We have to revert back to what we said as to the meaning of "overt act" and "abetment."

We saw that an "overt act" is unnecessary in Indian law; and that what are proved in England as acts overt to a compassing of war or as acts aiding a war, making a person not actually engaged in any warlike array equally guilty with the persons so engaged, are dealt with under Indian law as acts of abetment.

In our judgment in the first Lahore Conspiracy Case we considered the law of abetment briefly; and, after due consideration, in order to avoid technical difficulties, we decided to leave out of consideration abetment by instigation, and abetment by conspiracy (which we must note is very different from conspiracy alone; the former requires overt acts, and continuance, the latter an act of agreement only), and confined ourselves to abetment by aid.

We can see no reason to depart from that position in this case. An act of abetment by instigation, or an act of abetment by conspiracy, might be of some assistance to us, if it were sought to convict a person for abetting an offence which had *not* been committed; but they are useless in a case like the present, where the acts of abetment on which we rely are acts committed in the course of the actual offence itself.

That is what we meant in the last case; that is what we mean in the present case by confining our consideration of the law of abetment to abetment by aid; and by saying that we regarded acts up to July-August 1914 as acts of conspiracy to wage war, acts thereafter as acts of war, or acts in furtherance of or abetment of war.

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We have used conspiracy in America and the Far East up to the martial arrays of July and August 1914, as act of conspiracy under Section 121 A only. We have used acts of array, or acts in support or furtherance of war thereafter as acts of abetment in aid of an offence actually committed.

With this explanation of our view of the law it is clear that 37 Cal. 467 is in no sense an authority for the proposition that the collection of arms, bombs, etc., and the propagation of seditious literature, are not acts of abetment of war *when war has actually been waged.*

All that 37 Cal. 467 lays down is that a conspiracy to wage war, or the collection of men, arms, and ammunition with the intention of waging war is not waging war, when no war has been waged.

Jenkins, C. J. expressly refrains from discussing in detail the meaning of Section 121; for, as he states, the question does not arise in that case; for it is clear from the facts that there was no waging war, *i.e.*, there was no *bellum levatum.*

We may remark that 34 Bom. 394 is not in agreement with 37 Cal. 467. That judgment holds that there can be abetment of waging war without war ensuing, and the publication of seditious literature, inciting to war, is an act of abetment, whether there be war as a result, or not.

We are not in the least concerned to decide which of these two views is correct.

Accepting for the sake of argument the Calcutta view is the correct one, it is no authority for the proposition that acts in furtherance of a war, *e.g.*, supplying ammunition to carry on the war, performed in the actual course of a war, are not acts of abetment of war.

Acts of abetment.

The English law not knowing the term "abetment," and recognizing no accessories in treason, deals with acts of this sort as equal to acts of levying war; and there can be no doubt that such acts, inasmuch as they intentionally aid and facilitate the waging of war, are acts of abetment.

We may refer to the indictments in some of the leading English cases, so as to show what acts have been stated to be acts, overt to a conspiracy, and also, as acts rendering the person doing them guilty of levying war, where war has occurred.

(a) Andrew Hardie's Cases.

In the case of Rex *versus* Andrew Hardie, to which we have already referred, the following acts were laid as acts overt to the count of, *i.e.*, proving a compassing of the King's death and of compassing to wage war, and as acts in the course of, *i.e.*, at the very least in abetment of levying war—

(*i*) assembling, meeting, conspiring, and consulting to devise plans to subvert Government.

(*ii*) publishing printed papers, stating grievances, inciting men and soldiers to rise,

(*iii*) distributing and placarding such papers,

(*iv*) assembling of 50 men for the space of one hour, and the delivery therein of seditious and inflammatory speeches,

(*v*) the procuring of arms and ammunition wherewith to levy war,

(*vi*) the assembling with arms, marching therewith and seizure of arms *en route.*

(*vii*) the manufacture of pike-heads,

(*viii*) training, drilling and the appointment of gang leaders,

(*ix*) the attempted seduction of troops,

(*x*) the persuasion of others to join,

(*xi*) the abandonment of work until the ends of the insurrection were accomplished,

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(*xii*) the collection of funds for arms and seditious publications,

(*xiii*) the issuing of notices for seditious gatherings,

(*xiv*) the resistance to, and wounding of, soldiers and faithful subjects sent out to arrest them.

There is not one act held by us in either the last conspiracy case or the present, which does not fall under one or other of those headings.

In Rex *versus* Thistlewood, (one of the famous Cato Street Conspiracy Cases), the following acts are laid as "overt" in the indictment— (b) Thistlewood's case.

(*i*) assembling and then conspiring to levy war,

(*ii*) assembling and conspiring to murder the King's advisers,

(*iii*) procuring arms and ammunition,

(*iv*) composing and publishing seditious literature,

(*v*) assembly in arms.

In Rex *versus* Sir Jno. Friend (13 S. T. 6) the collection of men for a rising and the collection of arms are indicted as acts committed to fulfil, perfect and bring to effect the treason ; *i.e.*, they are indicted as clear acts of abetment. The same procedure was followed in Rex *versus* Sir William Parkyns (13 S. T. 70) ; and in all the other connected cases, reported in 13 State Trials. (c) The Carlisle cases.

In Rex *versus* Jas Watson (32 S. T. 1) the following acts were indicted against the accused, *i.e.*, what would, as we have seen, be charged in Indian law as acts of abetment of war, or of waging war— (d) Jas Watson's case.

(*i*) meeting and conspiring,

(*ii*) planning to attack the Bank of England and Tower, and seize arms therein, to attack other magazines, and having obtained arms to attack troops,

(*iii*) conspiring and attempting to seduce troops, and other liege subjects to join in their designs,

(*iv*) conspiring to prepare and preparing arms, purchasing same, and making tricolour flags,

(*v*) conspiring to burn barracks, and preparing combustibles therefor,

(*vi*) agreeing to hire and hiring a house, wherein to deposit combustibles,

(*vii*) agreeing to publish and publishing seditious proclamations,

(*viii*) making inflammatory seditious speeches to excite liege subjects to levy war,

(*ix*) hiring conveyances, wherefrom inflammatory speeches would be made,

(*x*) parading in force,

(*xi*) attacking gunsmiths' shops to procure arms,

(*xii*) marching on the Tower, and inviting soldiers there to join.

Our view, a view not in the least particular opposed to anything in 37 Cal. 467, is that there has been *bellum levatum*, a waging of war, in this case ; and that acts, which might be mere acts of preparation punishable under Section 122, Indian Penal Code or of conspiring, had there been no waging of war, are acts of abetment of war, when committed in the course of war actually being waged.

Dr. Gaur in his work on the Penal Law of India though he expresses himself in a different manner, is of the same view as ourselves ; in fact, he goes a great deal further than we think it necessary to go, and

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apparently is of the opinion that an agreement to levy war is an act of abetment af war, and the collection of supplies or any other preparation is an act of obetment.

He writes :—

" A plot to levy war, though it may not amount to abetment is . . . . an offence. If . . . . A and B decide to wage war . . . .though it may have a passing thought . . . are guilty of an offence (*i. e.*, under section 121-A) . . . . No . . . . overt act is required, and if two merely agree to levy war, the offence (*i. e.* under section 121-A) is complete under the Code. . . . . Indeed, the mere agreement of the two would be an " act " (*i. e.*, under section 107 thirdly), sufficient to constitute an abetment under this Code. . . . . As preparation is something more than an agreement it is sufficient to constitute an offence under the next section (*i. e.*, Section 122), *though it will then probably also amount to abetment* (*i. e.*, an offence under section 121). Such preparation may consist of the collection of men, arms, and ammunition . . . . in fact, of all such materials as are required for the purpose of war . . . . A conspiracy may thus lead to abetment, an abetment to an attempt, which is a direct hostile movement in contemplation of the war . . . . For the present purpose any conspiracy with an overt act will amount to an abetment."

Conclusion.

We have now explained what is the meaning of waging war, and of the abetment of the waging of war ; and there can be no question that there has been a waging of war against the King by these revolutionists, and that every person who has committed any act in pursuance and furtherance of that war, *at least during the continuance of the war*, which is all we have ever used, is guilty of abetting that waging of war.

Punishment.

We have only to add a small paragraph relating to punishment. The Indian Penal Code provides that all persons guilty of waging war, or attemping to wage war, or abetting its commission shall be punished with death, or transported for life.

The minimun punishment, no matter how small the part taken by a particular individual might be, is transportation for life, and though we are prepared to recommend individuals to mercy, as we did in the last case, we as a court of law are bound to award the punishment the law provides. The severity of punishment provided by law, where war has been waged against the King, or even plotted is necessary for the preservation of society, of law and order and to enable decent respectable citizens to live in peace.

We cannot do better than quote the reasons the Law Commissioners themselves gave for providing a heavy punishment.

" We agree with the great body of legislators in thinking, that though, in general a person who has been party to a criminal design, which has not been carried into effect, yet an exception to this rule must be made with respect to high offences against the State ; for State crimes, and especially the most heinous and formidable State crimes, have this peculiarity, that, if they are successfully committed, the criminal is almost always secure from punishment. The murderer is in greater danger after his victim is despatched than before. The thief is in greater danger after the purse is taken than before, but the rebel is out of danger as soon as he has subverted the Government. As the penal law is impotent against a successful rebel, it is consequently necessary that it should be made strong and sharp against the first beginnings of rebellion . . . . "

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PART IV.—Individual Cases.

INTRODUCTORY REMARKS.

Before discussing the cases of individual accused, it will be convenient here to insert again for ready reference a few important dates, and a few notes regarding the identifications, and the like.

We would again emphasize that, in going through the individual cases, it is absolutely essential that the reader should bear in mind throughout the conclusions regarding various points of law at which we have arrived in previous portions of this judgment.

DATES.

It is not really necessary to rehearse at length the dates of American meetings, which will be found in our last judgment. Besides, enough has been said about them in the Historical portion of this judgment.

The dates of various meetings and fairs in India may be tabulated as follows:—

Ladowal meeting	17th November 1914.
Moga	19th November 1914.
Phagwara	12th November 1914.
Badowal	23rd November 1914.
Nankana	2nd November 1914.
Khanna	September 1914.
Chamkor	19th December 1914. In some of the charges, by an error, the date was entered as "on or about the 19th January 1915."
Gujarwal	14th February 1915.
Dhandari	17th February 1915.
Narangwal (at the house of accused 69)	19th February 1915.
Khasa	The end of October 1914.
Dhaudar culvert meeting	2nd June 1915.
Kapurthala meetings (for raids)	5th June 1915. 12th June 1915.
Jhar Sahib meetings	23rd November 1914. 26th November 1914.
Khairon and Sarhali meetings	27-28th November 1914.
Proposed Mian Mir attack...	25th November 1914.
Proposed Ferozepore attack	19th February 1915.
Lohatbadi meetings	8th and 17th *Magh* = the 20th and 29th January 1915.

DATES OF FAIRS.

Taran Taran *Masya*	17th November 1914.
Killi	19th March 1915 (reference to approver Bhagat Singh's diary).

DACOITIES.

Sahnewal	23rd January 1915.
Mansuran	27th January 1915.
Jhaner	29th January 1915.
Chabba	2nd February 1915.
Rabhon	3rd February 1915.

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OTHER DATES.

Basant Panchmi = 8th *Magh* = 20th January 1915.
8th *Phagan* = 19th February 1915.
Raid on Lahore *ghadr* house — 19th February 1915.
Walla Bridge attack — 11th June 1915.

IDENTIFICATIONS.

We may say at once that we are entirely satisfied that the identifications on Jail parades conducted by Mr. Scott, Mr. Donald, and the Police Officers have been conducted with scrupulous fairness.

On Jail parade, P. W. Ichhar Singh made out that his "eyes were too bad" for him to identify; but see the evidence of Mr. Scott (page 38) *re* the opinion of Major Ward, Superintendent of Lahore Central Jail (now Inspector-General of Jails, Punjab).

Approver Bhagat Singh has some defect in his left eye.

Approver Kala Singh attended no Jail parades.

P. W. 39 *Mt.* Nihal Kaur would identify no one on Jail parade (*vide* note at the bottom of page 53).

Her husband, P. W 27 Indar Singh of Khanna, gave in court as his reason for not identifying several persons on Jail parade that "his *aql* advised him not to."

Accuseds' ages at the headings of the cases have been entered as stated by them.

Lastly, we would add that throughout we have attached due weight to the fact that all confessions were retracted. We have borne in mind that certain accused have, of course, been unable to produce witnesses from America and abroad; and also, that a number of witnesses summoned by Mr. Saunders on behalf of his clients from the 26th Punjab Infantry, to prove that P. W. Jamadar Buta Singh was himself under a cloud, could not be produced owing to the regiment having gone on Field Service. In making recommendations to mercy, and in awarding sentences, we have endeavoured, to the best of our ability, to differentiate between accused as to the measure of their guilt; and we have borne in mind the length of time that some of them have been in custody.

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2. Arjan Singh, son of Lal Singh, *Jat*, of Jagraon, District Ludhiana—aged 22. (Probably older.)

This accused, who pleaded "Not Guilty" to the charges framed against him (page 569), is not a returned emigrant. He was arrested on June 6th 1915, at Chitthi in company with accused Bir Singh and 2 others.

He was identified on Jail parades by the following approvers and witnesses:—Udham Singh of Hans, Bhagat Singh, Bachan Singh, Amar Singh, II, Arjan Singh, Nand Singh, 56 and 59; and by the same persons in Court before us.

Approver Bhagat Singh (page 171) makes a lengthy statement with regard to this accused; and fixes certain dates with reference to his diary, Exh. P. 15. According to him, one Kartar Singh, mentioned in that diary, is a relation of this accused. This approver states that he stayed with accused from the 23rd to 25th of February 1915 at Jagraon; and, during his stay won over accused to his revolutionary views. He gave accused wire-cutters (Exh. P. 46) and files to bury—which the witness had received from accused 23 Harnam Singh, of Gujarwal, and, when the witness left on the 26th for the projected attack on Doraha Bridge the accused was not only acquainted with the object of the witness's journey to that place, but furnished him with Rs. 3 for expenses. That projected attack, as we know, proved abortive; and the witness returned to accused's house. A little later, the witness meets Kapur Singh (who was discharged by this Court) at the house of accused; and on March 6th goes with Kapur Singh to Gurusar Kaunke, because the accused told him that approver Arjan Singh would introduce them to "men of the party". On the 9th the witness goes to meet Ishar Singh, accused, and meets accused and Kapur Singh aforementioned, and all 3 of them go to Jagraon. On the way there, the accused tells witness that Nand Singh (convicted in the first Lahore Conspiracy Case) has been arrested, and that he is afraid that (as a result) the Doraha bombs may be discovered; so on the 10th the witness leaves for Doraha and finds that the buried bombs have disappeared. At page 172 the witness speaks of a proposed dacoity at Ghalib village, which he learnt about from this accused.

On March 15th the witness visits accused, and next day gives him chemicals, got from Khazan Singh, druggist, to conceal. On the 17th the witness and accused take the chemicals, and visit Bhola Singh of Rumi, to whom accused wishes to introduce the witness so that witness could be put up at his house when necessary."

On the 19th accused comes to Gurusar Kaunke with the wire-cutters, files, sword handle and dagger (Exhs. P. 48, 49) which had been deposited with him, and goes on with the witness to a fair at Killi village. At that fair the witness and accused both gave lectures in the Singh Sabha, and accused recited revolutionary verses—a line of which the witness recited in Court. Accused and the witness go on to Ghalib and preach sedition there; thence to Daudhar, where they meet approver Nand Singh. On the 21st accused and Kapur Singh (as previously arranged) meet the witness at Ajitwal; but the projected dacoity is abandoned for lack of men. Later we find accused attempting to preach sedition after a *Bhog* ceremony at Kaleron; but the witness tells us he was stopped. To continue the same witness' story, on May 27th (that is, after the witness' arrest and release) accused and Kapur Singh visit the witness, and accused says that Kapur Singh is tired of being at home, and wishes to serve his country. On the 28th witness finds accused at his threshing-floor, who gives him (the witness) 3 papers in *Gurmukhi* (seditious verses) with some English print on them (Exh. P. 50); and the same day Kapur Singh brings certain chemicals, etc., to witness, along with accused's bag, which has been identified as Exh. P. 55. On the 31st accused warns witness that accused Mohindar Singh of Dhudike suspects him and contemplates his murder; and later, the witness hears of accused's arrest along with Kapur Singh (the youth whom this Court discharged).

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There was scarcely any cross-examination of this approver, who stated that he had known this accused long prior to the present case; and who from his diary was able to fix the date of the Killi fair as March 19th. He stated that accused and others at one time suspected him of being a Police spy.

The defence have endeavoured to make out from various prosecution witnesses that this accused is afflicted with a stammer; that is to say, that he would not be a likely person to go lecturing. A few witnesses have been prepared to say that he "stammers slightly;" but those who say that he is "hesitating in his speech" are correct; and all that we have ourselves observed is that accused is a slow deliberate speaker.

Approver Bachan Singh corroborates on the point that accused and Bhagat Singh delivered seditious lectures at Killi fair, and had to clear out when Police arrived on the scene. He further states that accused, along with Kapur Singh (discharged) used to visit the joint well of accused Pakhar Singh and the witness where *Ghadr* discussions used to take place. He mentions meeting accused and Kapur Singh outside Kapurthala Station, and as present at the assembly in the garden there on June 5th. It will be remembered that that assembly was in connection with the proposed looting of the Kapurthala Magazine. On the night of June 12th, the witness hears from the Kapurthala *Havildar* of the arrest by *Baurias* of the accused along with Buta Singh (hanged for the murder of Chanda Singh, *Zaildar*), accused Bir Singh and Kapur Singh discharged). The only thing elicited in cross-examination from this witness was that accused "stammered slightly," and that the witness had only met him 3 times in all (page 194).

We quite fail to see why either of these approvers should be speaking falsely; and the same remark applies to other approvers also.

Approver Udham Singh of Hans tells us of his meeting accused, whom he had not seen before, along with approver Bhagat Singh and Kapur Singh at Jagraon Railway Station. Bhagat Singh had a canvas bag, similar to Exh. P. 55; and later, after accused had left, Bhagat Singh showed the witness that it contained a sword-hilt, big knife, pliers and wire-cutters and bomb materials (Exhs. P. 49, 48, 46, 47). This witness has only known accused since last May (page 213).

Approver Arjan Singh states that he reached his village on January 17th, 1915, on return from Penang, and found accused in the village, who said he had been to see the Rikabganj *Gurdwara*; and the witness told accused that many men were coming from Canada who would restore it to its original condition. About the beginning of March 1915, approver Bhagat Singh brings a message from accused that accused wishes to form a party of his own, and wishes the witness to join it; and Bhagat Singh further tells the witness of instruments for cutting wire and railway lines. After the Killi fair Bhagat Singh comes with accused and tells the witness that he (Bhagat Singh), accused Phera Singh and this accused (whose name was added by this witness in our court with respect to this incident) had preached sedition at the fair; and on this occasion Bhagat Singh asked the witness to join in a proposed dacoity for March, the 20th or 21st, which the witness declined to do. This dacoity, of course, was the proposed dacoity at Ghalib referred to by approver Bhagat Singh.

Approver Arjan Singh goes on to tell us that a few days before *Bisakhi* accused comes with Kapur Singh (whom the witness has described), and speaks of leaving his village for good to join the *Ghadr* cause; and the witness advises them to interview accused Phera Singh. Soon after, both return saying that accused has hurt his foot, and the witness arranges to put him up. About the 25th May accused tells the witness that he intends to join accused Ishar Singh's party; and this witness distinctly asserts that accused attended the Daudhar assembly of June 2nd, and was appointed one of the committee of five persons *re* the proposed attack on Kapurthala

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Magazine for June 5th. Practically, the only question asked of this witness in cross-examination was whether he and accused had been together in Amritsar *havilat*;—this the witness denied (page 202).

Approver Nand Singh also mentions accused in connection with the preaching of sedition at Killi fair, but his information is not first hand. He states that later the accused came with approver Bhagat Singh to approver Arjan Singh's house where witness learnt his name from Arjan Singh. Accused then told those present of a proposed dacoity at Ghalib for the purpose of getting money to buy arms, said that men from Dhudike and Chuhar Chak would assist, and that all should assemble at Kaunke *Gurdwara* on March 21st. A few days after that date accused, accompanied by Kapur Singh, comes enquiring why the witness did not turn up for that dacoity. This witness corroborates approver Arjan Singh as to the coming of Kapur Singh and accused to Arjan Singh when accused was suffering from a sore foot. He also corroborates as to accused's presence at the Daudhar assembly on June 2nd; and says (page 237) that accused volunteered to accompany Kapur Singh to fetch bomb materials which had been buried by Bhagat Singh, and that accused Ishar Singh gave him a rupee. Nothing of any value was elicited in cross-examination.

Approver Amar Singh II, who has stated that he himself only belonged to the *Ghadr* party for some ten days, has also mentioned this accused as at the Kapurthala assembly of June 5th—this evidence being in corroboration of approvers Bachan Singh and Arjan Singh.

P. Ws. 56 and 57 corroborate *re* the Killi fair incident, the latter being a *Lambardar*. According to them, accused made a speech lasting a quarter of an hour or more; and they deny that it had anything to do with petitioning Government. They assert, on the contrary, that it was seditious, and that accused had to be stopped. P. W 56 was able in Court to identify approver Bhagat Singh as accused's companion at Killi; and P. W. 57 stated that accused had a paper in his hand, and said that he was wandering about "making a *bandobast*," and denied that he had any reason for enmity with accused. P. W. 59 states that accused and Bhagat Singh spoke sedition at Fateh Singh of Rumi's *bhog* ceremony, and denies that accused was ever his *shagird*. Fateh Singh himself is dead.

P. Ws. 67 (Head-Constable of Kapurthala Police), 68 (Sub-Inspector of Jullundur *Sadr*), and 69 (*Lambardar* of Chitthi) give evidence as to the arrest of accused in Chitthi *urdwara* along with accused Bir Singh and Buta Singh and Kapur Singh (*vide Ruqa* Exh. P. 77).

P. W. 220 (Inspector Iqram-ul Haq) has stated that accused on June 18th, at Kapurthala, identified Kala Singh (Walla Bridge murderer). Questioned by Defence Counsel, the witness has denied that there was ever any intention of making this accused a witness in this case.

Additional corroborative evidence against this accused is also afforded by the confessions of the two co-accused 62 and 64 (Pakhar Singh and Pala Singh), both of whom mention him in connection with the Daudhar assembly, and the proposed raid at Kapurthala.

The accused's statement before this Court will be found at page 379 of this Court's printed record; it is fairly lengthy, and at the end of it we have recorded the note—"speaks slowly, but does not stammer." It consists mainly of a denial of the allegations against him. He denies going to Killi fair, and says he was ill at the time. He denies that the bag (Exh. P. 55) is his. He admits having known approver Bhagat Singh for some 2 years; admits that he has no enmity with him; but can only suggest that that approver is lying to save his own skin. At the time of the Daudhar meeting of June 2nd, 1915 he was, he says, engaged in harvesting. He denies knowing approver Amar Singh II, at all; and says that he also is "lying to save his skin." He was, of course, obliged to admit his arrest at Chitthi; but

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denied knowing when and where accused Bir Singh and Buta Singh were arrested; and asserted that he and Kapur Singh had come to read religious books at a *dera* outside the village, and were (wantonly) arrested. He alleges Police ill-treatment to make him implicate others; and winds up with recital of his relations' war services.

This statement certainly shows no good reason why we should suppose that the above-mentioned prosecution witnesses have endeavoured to falsely implicate this accused; the corroborations in their statements on various points are apparent; and there was nothing elicited in cross-examination of any value to this accused.

His defence witnesses are D. Ws. 310 to 324 inclusive.

(His mother, by the way, was called as a defence witness for accused Randhir Singh; but was not called to testify to her own son's alleged illness.) We may say at once that the evidence of those witnesses is utterly unconvincing. Some of them assert that, on the day of the Killi fair, accused was ill with fever. D. W. 312 tells us that the physician who treated accused is dead. The witnesses include at least 3 relations, and two persons who have land mortgaged to accused's father. A few witnesses speak of the services of accused's relations, and of a *bhog* for victory got up (on the day of Killi fair) by accused's mother (whom accused did not produce). Though accused himself distinctly stated that he had no enmity with approver Bhagat Singh, it was actually thought worth while to produce D. Ws. 320 and 321 to tell an utterly unconvincing story of a quarrel with that approver's father over an alleged marriage affair.

As regards arguments the Defence Counsel has urged that it was approver Bhagat Singh who poisoned the mind of this accused, and no doubt this was so. We are unable to see where the difficulty lay in accused's learning of the arrest of the important revolutionist Nand Singh (Lahore Conspiracy Case); or to accept the suggestion that Bhagat Singh "when tramping about" learnt of the arrest, and has simply attributed this item of information to accused in order to show that accused had *Ghadr* acquaintances. It is equally futile to suggest that accused "could not have heard" of the burying of the Doraha bombs, or of a proposed dacoity at Ghalib; and as regards the latter incident, not only Bhagat Singh, but Nand Singh also makes mention of this accused. It is true that there is no corroboration of Bhagat Singh's statement *re* accused's possession of bomb chemicals; but we fail to see why Bhagat Singh should have invented this: and, had it been desired to concoct false evidence, it would have been easy enough to have also concocted some corroborative evidence on the point. The Defence Counsel is mistaken in trying to make out that, whereas Bhagat Singh from his diary fixes 19th March as the day of the Killi fair, the date (according to defence witnesses) was the 17th March, *i. e.*, the 4th of *Chet*—the calendar clearly shows that the 4th *Chet Sudi* is equivalent to the 19th March 1915, and counsel on seeing the official calendar, withdrew the argument.

Counsel was also mistaken in urging that the Prosecution were anxious to make out that accused stammers—it was the defence who were anxious to prove this in order to show that his speech at the Killi fair was a pure invention. As we have said before, he does not stammer, but is a slow, deliberate speaker. As regards the question, how did accused become possessed of seditious verses and a sword-handle and dagger, it would have been simple enough for the defence to have cross-examined regarding this, if any doubt was felt. The accused's Counsel urged, finally, that if his client has done anything wrong, his acts were occasioned by "dementia."

We are unable to agree with him; and we agree with the Crown Counsel, who has practically confined his remarks in argument to saying that there is an overwhelming case against this accused. He has also urged that accused is technically guilty of abetment of the murder of sepoys at the Walla Bridge, by reason of the agreement come to at the Kapurthala assembly of June 5th, 1915, at which accused was present.

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We are satisfied that the accused abetted the attack on the Doraha Bridge by giving money for expenses, that he abetted the waging of war by delivering seditious and revolutionary speeches, that he abetted the waging of war and murder by abetting the Walla Bridge murders, and by being present for the proposed assault at Kapurthala, and by being in possession of bomb chemicals; and of conspiring to wage war by associating and helping other revolutionists, as disclosed by the evidence.

We accordingly convict him under Sections 121, $\frac{302}{109}$, 121 A, and sentence him to transportation for life; and direct that all his property, liable to forfeiture, be forfeited to the Crown.

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3. Attar Singh, son of Hira Nand, *Khatri*, of Dhikampur, Police Station Chakwal, District Jhelum, aged 27.

This accused, who pleaded "Not Guilty" to the charges framed against him (page 570) is not a returned emigrant. He was arrested on the 29th July 1915.

He was identified on Jail parade by the following approvers and witnesses :—

Sundar Singh (A. M.), Udham Singh of Hans, Bhagat Singh (seen him somewhere, probably at Ferozepore), 42, 112, 114 and 320. In court by Sundar Singh (A. M.), Bhagat Singh (who at first wrongly identified him as accused Lal Singh), Udham Singh of Hans, Indar Singh of Khanna, Teja Singh of Samrala, *Mt.* Nihal Kaur; and P. W. 349 (who merely stated that he used to come to the Khalsa School for prayers).

Approver Arjan Singh mistakenly in court identified him as accused 63. Pala Singh, P. W. 112 (the pointsman), failed to identify him in court; and Indar Singh of Khanna explained to us his failure to identify this accused and others on Jail parade by saying, "My *aql* told me not to," and so deliberately refrained from identifying him.

Approver Sundar Singh (A. M.) states that accused attended the large meeting at Lohatbadi when resolutions were passed *re* the Rikabganj *gurdwara*, Santok tank and other matters; and was with accused Randhir Singh at the meeting at Indar Singh's house in Khanna during *Asuj*, when the same resolutions were passed. Those two meetings were, of course, not seditious. In the month of *Poh*, accused was present at the non-seditious meeting at Chamkaur Sahib. He also attended the *Granth Sahib* recital at the house of Ram Singh, Reservist, at Gujarwal; and the subsequent secret meeting at which accused Randhir Singh announced that the date for a rising would soon be given out. According to this witness, accused accompanied Randhir Singh to that meeting, and left with him afterwards for Dhandari. The witness also mentions accused as joining the train at Mullanpur on the 19th February 1915 with the Randhir Singh's party, and going on to Ferozepore.

Approver Bhagat Singh corroborates *re* Mullanpur, and says that accused was at the reed jungle assembly at Ferozepore, and was, after the failure, with Randhir Singh's party at Phemi ke Kai Station. In cross-examination the witness denies having seen accused cooking Randhir Singh's food, and admits that he did not at first identify him at Ludhiana *kotwali* (page 205).

Approver Udham Singh of Hans mentions accused as one of those at accused Randhir Singh's house on 19th February, at Mullanpur Station and at the reed jungle assembly at Ferozepore; and he is corroborated as regards Mullanpur by P. W. 39 *Mt.* Nihal Kaur. In cross-examination she admitted that accused had once attended a *Dewan* ceremony at her house, and qualified her first statement that the men at Mullanpur wore "white clothes" by saying that "some of them were dressed in black."

P. W. 27 Indar Singh of Khanna, who mentions accused as having been present at the unobjectionable meeting at Khanna, also asserts that accused attended the secret seditious meeting at Dhandari held after Gurbachan Singh's *Path* (compare the statement of approver Sundar Singh, A. M.), at which Randhir Singh told those present that a "*desh bhagat*" (who, the witness thinks, was Kartar Singh of Soraba—L. C. C.) wanted all there to go to Ferozepore for an attack on the Fort.

P. W. 40 Teja Singh of Samrala corroborates that accused attended the secret meeting at Dhandari; and so does P. W. 42 Ganda Das.

P. Ws. 112 and 114 (both pointsmen of Phemi ke Kai Station), though they failed in Court to identify accused, had already done so on Jail parade; and P. W. 320, a pointsman at Mullanpur, identified accused on Jail parade as one of those who entrained with others dressed in black.

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We have carefully considered the statements of all the above witnesses ; and we entirely fail to see why they should have been speaking falsely—while the absence of anything beneficial to accused elicited in cross-examination is apparent.

Accused's statement before this court will be found at page 381, and his supplementary written statement at page 382.

He of course admits his presence at the unobjectionable meetings, and also at the house of Ram Singh, Reservist, where, he says, he was one of the *Granth* reciters ; but he denies that any secret meeting was held. He admits that he and others afterwards went on to Dhandari, but denies any secret meeting there. He denies joining the train at Mullanpur, and all knowledge of the events of the 19th February. He denies even knowing approver Bhagat Singh, and can suggest no reason why his name should have been entered in the diary. He urges that he left the 35th Sikh Regiment on account of ill-health in 1913 after 11 years excellent service. His supplementary statement sets forth that the 2 ceremonies, at Gujarwal and Dhandari, were unobjectionable and even loyal (no doubt they were, but the secret meetings held after them were not). He further alleges that he went on to Nabha with the witness Indar Singh of Khanna, and was set by the police to cook for Randhir Singh, accused, who had been interned. He offers no reason for his own arrest, but says he was released on furnishing security, and was re-arrested because he refused to testify falsely against Randhir Singh *re* Gujarwal. Approver Bhagat Singh was shown to him (*sic*) at the *Kotwali*, and Sundar Singh (A. M.) he does not know—but suggests that that approver may have seen him at some annual religious gathering. In short, we are to suppose that the evidence of all the prosecution witnesses is due to police concoction.

His defence witnesses are D. Ws. 97 to 102 inclusive, 589, 684 and 685—and we have also to see *Exh. D.* 42. This Exhibit is a discharge certificate showing that accused bore a "good character" in his Regiment ; and we give it its full value. The first three Defence witnesses, who say that accused cooked for Randhir Singh, suggest that this accused was arrested because of his association with that accused. D. Ws. 100 and 101 give vague evidence to the effect that accused reads *Paths*, and did so on February 12th. D. Ws. 98 and 99 are not prepared to support accused's suggestion as to how approver Bhagat Singh got to know his appearance. D. W. 589 asserts that at Ludhiana one of the Mullanpur pointsmen picked him out as being this accused. D. Ws. 684 and 685 attempt to support an utterly absurd *alibi*, to the effect that this accused was in Ludhiana on February 19th, 1915. One cannot remember the "exact date ;" and the other gives an absurd reason for recollecting it.

Kahn Singh, accused's brother, referred to by the above witnesses, was never produced.

The Defence Counsel has argued, without any force, that "as the doors were closed at a secret meeting, no one knows what the accused was doing inside." We have the usual argument about the dates of the *Akhand Paths* at Gujarwal and Dandhari with relation to the Ferozepore raid of February 19th, 1915 ; and our conclusions regarding them have been given elsewhere. It is urged again that accused was accused Randhir Singh's cook, and was arrested simply because of his association with him. Also, that *Ex. D.* 42 shows that accused served for ten years, till 1913, in a military capacity with a good character.

We are satisfied on the evidence that accused conspired to wage war, and abetted the waging of war by his presence at the secret meeting at Gujarwal, and that by going with an armed array to attack Ferozepore he committed the offence of waging war. We accordingly find him guilty under sections 121, 121 A and sentence him to transportation for life ; but considering him to have been led into a life of crime by a pernicious teacher and that the part he played was not a very active one, we recommend him to mercy.

We also direct that his property liable to forfeiture be forfeited to the Crown, but recommend that the penalty should not be enforced.

5. Bogh Singh, son of Natha Singh, Barber, *Mahant* of Jhar Sahib, Police Station Tarn Taran, District Amritsar, aged 22 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 572), is not a returned emigrant. He is admittedly a *Mahant* employed at the Jhar Sahib, was arrested on the 17th September 1915, and his confession was recorded by a Magistrate on September the 18th.

He was identified on Jail parades by the following approvers and witnesses :—Natha Singh, Mul Singh, *Granthi*, 21 Surain Singh, 15 Jagat Singh of Bhure. In Court by Natha Singh, Kala Singh, Surain Singh and 15 (by name and village . P. W Sundar Singh (W. G.—approver) did not identify him either on Jail parade or in Court.

As this accused is actually employed at the Jhar Sahib, there is, of course, nothing peculiar about his having been seen there ; but we have to carefully scrutinise the evidence as to the circumstances under which he was so seen.

Approver Snndar Singh (W. G.) states that accused was at the Jhar Sahib at the meeting on the night of November 23rd, 1914. He cannot say whether accused was present at the previous meeting, and admits that it was dark when he saw him.

Approver Natha Singh mentions accused as present at the Jhar Sahib meeting of November 26th. He denies having had any quarrel with accused ; but admits that he did not mention accused's name to the Police until he identified him on Jail parade.

Approver Kala Singh, who admitted in cross-examination that accused did not lecture at the Jhar Sahib, but served the men assembled with food, states that accused, who succeeded one Natha Singh as *Mahant* of the Jhar Sahib, was present there with his brother and one Channan Singh when Lal Singh of Bhure (Lahore Conspiracy Case) told them that Channan Singh had agreed to join the *Ghadr* movement. Accused, he says, kept silent during this discussion. He asserts, however, that accused read out for some days a *Ghadr* pamphlet brought by accused Balwant Singh, absconder ; and that accused was present when accused Gujar Singh read out the *Ghadr* and preached, and when Lal Singh of Bhure brought 25 *dhangs* for *chavis*, and gave one Sandhi, *badmash*, Rs. 10 to get them fitted. He corroborates on the point that accused served food to the conspirators assembled on the night of November 26th, and states that accused was present with other conspirators at a discussion *re* the abortive attempt on Sarhali *thana* ; that he sent to fetch Surain Singh, deserter, and later brought accused Sucha Singh and another *sowar* deserter to the Jhar Sahib. This witness states that he informed the Police of what he had learnt from one Santa Singh of Mari *re* a sword and a knife with accused and accused's brother Jassa Singh (accused 35).

Approver Mul Singh, *Granthi*, went to the Jhar Sahib to endeavour to fetch back deserters from the 23rd Cavalry ; and he states that it was from the accused that he learnt of their arrest. There appears no reason whatever why this witness should have invented the statement that he went to accused provided with a message and 2 signs or pass-words from Lachhman Singh, the prominent *Ghadr* man of that regiment. In reply to a question by Defence Counsel, the witness replied that he had mentioned accused in his statement made before the Dagshai Court-Martial.

P. W. 21 is the above-mentioned Surain Singh, who corroborates on the point that accused's servant Jora Singh was sent to fetch him from Bhor village to the Jhar Sahib along with accused Sucha Singh and Maharaj Singh (*sowar* deserters) ; and on the point that accused came himself to fetch them on December 1st, 1914. He says that the same day a man came to warn accused of the proximity of the Police in search of the deserters. He mentions accused as present on two occasions when revolutionary plans were discussed ; on one of which it was decided to consult one Sadhu, *pahlwan*. Like approver Kala Singh this witness admits in cross-examination that he never heard accused lecture on *Ghadr* subjects ; and none of these witnesses appears anxious to press the case against this accused.

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P. W. 15 Jagat Singh of Bhure helped Lal Singh of his village to carry food to the Jhar Sahib, and saw accused there; his statement to a Magistrate is *Exhibit P.* 24.

P. W. 172 is Sardar Ali, who has given evidence regarding the feeding of a gang of men at Lal Singh of Bhure's house, and at the Jhar Sahib when accused was present; and this witness and Kapur Singh (the witness in the Lahore Conspiracy Case, who was murdered out of revenge) reported to the Deputy Commissioner of Amritsar. P. W. 194 (the *Mahant* of Shahbazpur) corroborates the statement that accused fetched P. W. Suram Singh and the accused Sucha Singh and Maharaj Singh to the Jhar Sahib, at his request, where the witness tried to induce them to return to their regiment. P. W. 305 states that accused was at the Jhar Sahib when some 20 men were being fed there, and when Lal Singh of Bhure talked sedition and of a proposal to loot Patti.

P. W. 360 Inspector Harkishan Singh concerns accused's arrest on September 16th, 1915. P. W. 156, whom this Inspector apparently heard about through information afforded by approver Kala Singh, belongs to Gulabpur, only about $1\frac{1}{2}$ miles from the Jhar Sahib; and states that during *Katak* he heard accused reading out a seditious pamphlet to approver Kala Singh, Lal Singh of Bhure, accused Jassa Singh and others. This evidence is corroborative of approver Kala Singh's statement; and, though the witness was only present for a very short time at the reading, he was able to give us an idea of the matter treated of in the pamphlet, and says that he remonstrated with accused.

P. W. 115 (Sub-Inspector of Tarn Taran) made a report on December 1st, 1914, about the meetings held at the Jhar Sahib, and he states that when, in December 1914 and May 1915, the police made enquiries about such meetings this accused then denied all knowledge of them, though the statements of *Lambardars* supported the belief that such meetings had taken place. This witness also testifies to the discovery, on information given by accused's brother Jassa Singh (accused 35), by accused on September 17th, 1915 (the day intervening between accused's arrest and confession), of the 2 swords (*Exh. P.* 89 *A. B.*) and the knife (*Exh. P.* 26) from a well and *chappar*. P. W. 116 (a *Lambardar* of the neighbouring village Padri) testifies to the recovery of Exh. P. 26, and signed the *fard baramdagi*, *Exh* P. 88 *A.* He states that he reported about the Jhar Sahib meetings at the time, and was one of those who gave evidence when Lal Singh of Bhure was put on security.

Accused's confession to the Magistrate (page 385) is a very full one; and though he asserted before this Court that he simply stated what the police wished him to say, we are not prepared to believe this assertion. According to his confession he was first brought into the *Ghadr* movement by Lal Singh of Bhure; and we are quite prepared to consider in his favour that the Jhar Sahib, being an out of the way place, was chosen by the conspirators; and that this accused, as its Mahant, was placed in a difficult position by their action. He was very much under their thumbs; and no doubt his popularity as Mahant would have diminished, had he gone contrary to their wishes. Still, he not only aided them, but did not report to the authorities; made clear denials when enquiries were made; and helped to conceal arms. He apparently did not lecture, but took his turn at reading out the *Ghadr*. His confession is very fully corroborative of the statements of prosecution witnesses, and contains the names of several co-accused. It admits his own feelings against Government, and his discovery of two swords and a knife.

His statement before us, however, is a clear denial of the allegations against him; and he even goes so far as to deny that seditious meetings took place at all at the Jhar Sahib. He admits that the police came making enquiries about them. He denies production by himself of the swords and knife and says that approver Kala Singh and he had a quarrel about a Mahantu (he did not cross-examine the witness about this however), and that Kala Singh and the police concocted the discovery of the weapons He alleges police torture. The statement entirely fails to convince us. So does the written statement on

page 444, which is simply a repetition of the allegations of Kala Singh's enmity, ill-treatment by the police, and a repeated assertion that his confession was not voluntary.

Accused's defence witnesses are D. W.'s 2 to 9 inclusive and 534. The first lot simply make vague assertions about a quarrel between accused and Kala Singh over the Mahantship; and say they heard nothing about assemblies at the Jhar Sahib ; and P. W. 534 (the Magistrate who recorded accused's confession) simply says that he saw no previous statements, and that no police officer was present when he recorded statements.

In arguments counsel for the defence failed to impress us. The latter portion of the charge only referred to the keeping of arms to be dug up later. It was urged that the deserting sowars were not captured in the Jhar Sahib ; but only in its vicinity, and we were asked to go through the Dagshai Court-Martial proceedings, which we cannot do It was urged that accused is not very old ; and that he was in somewhat of a tight place, his institution having been chosen as a *rendezvous* for conspirators.

The Government Advocate has urged that accused helped to conceal arms ; that he actually appeared as a defence witness (D. W. 118) in the Lahore Conspiracy Case for the notorious Lal Singh of Bhure ; that he went out of his way to help conspirators ; and that he was obviously in the know ; otherwise the approver Mul Singh, *Granthi*, would not have been sent to him with signs or pass-words.

Our finding on the evidence, which establishes that accused discussed revolution at the Jhar Sahib, and made his institution the gathering place for the armed array that proceeded to Sarhali, is that accused conspired to wage war and abetted the waging of war, and we accordingly find him guilty under sections 121-121A, Indian Penal Code. We accordingly sentence him to transportation to life, but in view of the fact that the part played by him was a minor one, we reccommend him to mercy.

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but we recommend that this penalty should not be enforced.

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6. Bir Singh, *alias* Vir Singh, son of Buta Singh, of Bahoowal, District Hoshiarpur, aged 45 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 574 , left Victoria on the 22nd August 1914, and arrived at Calcutta ; but he cannot remember the name of the boat he came by. He was arrested at Chitthi *gurdwara* (Kapurthala State on June 6th, 1915, along with accused Arjan Singh, Kapur Singh (against whom the case was withdrawn) and Buta Singh (since hanged).

He was identified on Jail parades by the following approvers and witnesses :—Sundar Singh (W. G., who pointed him out, but could not say where he had seen him) ; Anokh Singh (" saw him at Ludhiana ") ; Amar Singh II (" saw him at Kapurthala, and went to his village ") ; Mula Singh, Umrao Singh (saw him in Ludhiana) and Amar Singh, I. In Court by Sunder Singh (W. G.—" not know his name—saw him in Amritsar or Hong Kong "), Bachan Singh (correctly, after first identifying accused 26, Harnam Singh as him), Amar Singh, II, Anokh Singh, Mula Singh, Amar Singh, I, Umrao Singh (by name, and as having seen him in the Mansuran dacoity).

Approver Udham Singh of Padri admittedly could not identify him in Court, having, as he says, never seen him before the Chabba dacoity.

Approvers Sucha Singh and Nawab Khan did not identify him on Jail parades or in Court.

Approver Bachan Singh says that accused was present at the assembly in the garden at Kapurthala on June 5th, 1915 (in connection with the proposed attack on the Magazine) : and on the night of June 12th (the date for the postponed attack) the witness heard from the Kapurthala " Havildar " of accused's arrest by the *Baurias*. The witness was not cross-examined.

Approver Amar Singh, II, states that in *Jeth* accused came to his village along with Buta Singh (since hanged, in whose company accused was arrested), saying that they had been sent by accused Jowand Singh, absconder ; that the *Ghadr* was about to start, and Buta Singh asked witness to join in an attack at Kapurthala on June 5th, telling him to meet accused Hardit Singh, absconder, and accompany him. This the witness does ; and accused guides the pair to the place of assembly. According to the witness, accused was armed with a *chavi* ; and, according to the evidence, he was arrested in possession of a *chavi*. At the meeting accused and Banta Singh (since hanged) were for raiding the Magazine at once, instead of wasting time in consultation ; however, it was decided to postpone the attack for a week, accused saying that any one who did not turn up on that date should be killed. In cross-examination all that was elicited was that the witness did not meet accused in America.

Approver Anokh Singh states that he first met accused at approver Sucha Singh's house in the more than doubtful company of Dr. Mathra Singh (Lahore Conspiracy Case absconder), Kartar Singh of Soraba (Lahore Conspiracy Case—since hanged) and others, when he was taken there by Jagat Singh (Lahore Conspiracy Case). Cross-examination (page 248) certainly elicited nothing in favour of accused ; nor showed why Anokh Singh should wish to speak falsely.

P. W.'s 54, 65 and 66 (2 *Baurias*), 67, 68 and 69 are as to the arrest of accused. *Exh. P.* 77 is a *ruqa* concerning the arrest ; and *Exh. P.* 78 the *chavi* head.

Approver Udham Singh, I, of Padri states that accused came with others to Bakshish Singh's well ; and took part in the Chabba dacoity. That dacoity took place on the night of February 2nd, 1915, and in the course of it, Bela Ram was murdered, and several persons were injured. Accused was himself injured in the back by a bomb ; and left with the witness and others for Amritsar with the loot ; where Jagat Singh (Lahore Conspiracy Case)—the person mentioned by approver Anokh Singh—took accused, witness, and accused Prem Singh to approver Mula Singh, to whom the loot was made over. Accused was treated by " Doctor " Hardit Singh (Lahore Conspiracy Case), who extracted bits of a bomb from his back.

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Approver Mula Singh (*vide* page 336, etc.), fully corroborates the previous witness *re* this accused's connection with the Chabba dacoity; and tells how accused's bloodstained clothes were burnt at *Mussammat* Atri's house, and fresh ones provided. He also states how, at Gulab Singh's *Dharmsala*, he found accused and the Anarkali murderer and others on their return from the dacoity at Mansuran. Cross-examined, he denied having ever seen accused at the Mills in Astoria; and denied having borrowed money from him, adding that the Vancouver *Gurdwara* stood surety for him (the witness). He only purports to have met the witness as above stated; and there is nothing whatever to show any reason for enmity.

Approver Amar Singh, I, corroborates as to Dr. Hardit Singh's treating this accused for injuries to his back and foot, caused by a bomb. He saw him and Mula Singh and the Anarkali murderer at the Baba Atal house in Amritsar on or about February 4th. Later at the same house, accused told witness of Mula Singh's arrest (he was arrested on February 13th); and said he meant to abscond. In cross-examination the witness said that accused, when he saw him, was able to walk. He saw him once in Amritsar prior to the Chabba dacoity.

Major Ward (P. W. 345), Superintendent of Lahore Central Jail, speaks as to the photograph of accused's back (*Exh.* P. 225). In the witness's opinion as a medical man, the injury to accused's back had been caused within 6 to 8 months; and was such as might have been caused by an explosive driving metal into the back, not by an iron spike. In Court during the Lahore Conspiracy Case, the witness examined the foot injuries; and his opinion is that they had been caused in the same way as the injuries to the back. He considered that there had been recent destruction of the muscular tissue; and that the injury to the back had not been caused by something striking an old boil scar.

Approver Sucha Singh speaks as to conferences held in his room, attended by accused, the Anarkali murderer, Ram Rakha (absconding in Lahore Conspiracy Case, etc.). At the second of these he was allowed to be present; and accused as Harnam Singh brought *lathis* and 2 *chavi* blades. Next day, Kartar Singh of Soraba (Lahore Conspiracy Case) told witness of the Sahnewal dacoity (which took place on the night of January 23rd, 1915), in which Kanshi Ram was murdered; and gave witness the *kalma* rupee (*Ex.* P. 133), which the witness afterwards made over to the Police. Later, accused was one of those who assembled at the 6th milestone near Jhabewal with Dalip Singh (dead approver), the Anarkali murderer, Kartar Singh and others, when Dalip Singh said that the place selected for a dacoity was too near Jhabewal, as the bomb materials might be discovered. Accused slept the night at Dalip Singh's; and witness carried his *chavi* for him to Ludhiana. The witness further implicates accused in the Mansuran dacoity, armed with a *chavi*; giving full details—(compare the statement of approver Mula Singh).

The witness next meets accused with Pingley (Lahore Conspiracy Case—whom the witness knew as "Sham Lal") on February the 2nd at the Amritsar *chaubara*, from which place Kartar Singh takes the witness to Rash Behari (Lahore Conspiracy Case), whose photograph the witness identified before us. Nothing was elicited in cross-examination.

Approver Nawab Khan says, that on December 10th, 1914, at Nangal Kalan, accused and Jawand Singh, absconder, joined his party; but the idea of dacoity at Bhinwal was given up.

Approver Umrao Singh states (page 370) that about the 16th or 17th January 1915 the accused and the Anarkali murderer came to Jhabewal, saying they had seen a suitable house for a dacoity at Umedpur. Later, the dead approver Dalip Singh sent him (the witness) with some soap to Sahnewal dacoits, among whom were accused, the Anarkali murderer and others, all of whom were armed. Balwant Singh (Lahore Conspiracy Case), who was himself in that dacoity, told the witness that accused had been one of the Sahnewal dacoits. Some 4 days later, the witness at approver Sucha Singh's meets accused, Kartar Singh of Soraba, Ram Rakha and others for the Mansuran dacoity; and the witness gives full details of that dacoity, in which he and accused took part, and in which the dacoits were armed with bombs *chavis* and pistols. Nothing was elicited in cross-examination.

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This accused's statement will be found at page 390 of the printed record. He denied his connection with any of the aforementioned dacoities; and says, as regards his arrest at Chitthi along with Buta Singh, that he was "seized" for no reason when going to Lilian to get some money owed him by one Dewa Singh. He asserts that Anokh Singh has implicated him to save himself, after being shown photographs taken in Jail of his face and back, and being told his name. He denies knowledge of Rash Behari; and ascribes the scar on his back to a boil in America, which scar was struck by an iron-spiked stick in a quarrel at Jullundur Station some 10 months ago. He goes so far as to admit that approver Mula Singh sent him for treatment to "a Sikh, whose name he does not know" in Amritsar. He ascribes the production of the *chavi* head to the machinations of the Police.

His defence witnesses are D. W.'s 33, 34 and 492 to 496 inclusive. The first two say that accused stayed in his village for twenty days after his return from abroad; and that his character was good before he went to America. The last lot of witnesses also give him a good character; but make out that he spent four months continuously in his village after his return. D. W. 492 makes out that accused then left simply because the Police were after all returned emigrants. D. W. 496 gives us to understand that accused came to the witness's village from his own because he has a sister married there.

In arguments the Defence Counsel, no doubt, had a most difficult task; since, as urged by Counsel for the Crown, the case against this accused is overwhelming. The Defence Counsel has argued that approver Umrao Singh alone has given some details of the Sahnewal dacoity; and that Sucha Singh, approver, who speaks of the start for that dacoity, did not identify this accused. No doubt, we should have had fuller details had not Dalip Singh (approver in the Lahore Conspiracy Case), who was himself in that dacoity, died during the hearing of the last case; but we are quite unable to accept the suggestion that the Bir Singh of the Sahnewal dacoity was "probably some one else." As regards the Mansuran dacoity, there were not only the same 2 approvers, but Mula Singh also; and counsel could only urge that P. W. 349, Jaimal Singh, who "might have been expected to have seen accused at Ludhiana prior to Mansuran," had not identified him. As regards Chabba dacoity it is urged that approver Udham Singh of Padri did not identify accused; but he speaks about accused's injury, and there is no reason to believe he was tutored. Moreover, he is not the only witness on the point. It is urged that Kartar Singh of Soraba in the Lahore Conspiracy Case did not mention this accused, though he mentioned Ram Rakha, absconder, and others; but it must be said that Kartar Singh was very careful as to whom he mentioned, and that he obviously had no objection to mentioning Ram Rakha because he believed him at the time to be dead. The only other point which needs comment is counsel's argument that accused at any rate had no intention that murder should occur in any dacoity; and was, in fact, against murder; and that, at Chabba (the last but one of the dacoities, it was the local Gilwali men who really committed the murder of Beli Ram. To some extent this may be true; but Sahnewal (in which Khushi Ram was murdered) was the first of those dacoities; and, if accused were really so averse to murder, why do we find him taking part in a dacoity at Chabba afterwards, when bombs were used?

Counsel for the Crown has wished to impress on us that, in addition to the two dacoities in which murders took place, this accused was also present at the Kapurthala meeting of June 5th, 1915; and so is technically guilty of abetment of murder in respect of sepoys killed in the attack on the Walla Bridge Guard.

It is really not necessary for us to detail all the various acts which we find proved against this accused, and it will suffice to mention the major ones. We are satisfied he took part in the Sahnewal and Chabba dacoities in both of which murder was committed, that he was present in the Kapurthala meeting and thereby abetted the waging of war and murder, and we accordingly find him guilty under sections 121, $\frac{302}{109}$, 396, Indian Penal Code, and sentence him to be hanged by the neck till he be dead, and further we direct that all his property liable to forfeiture be forfeited to the Crown.

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7. Bishen Singh, son of Wasakha Singh, *Jat*, of Virpal, Police Station Jandiala, District Amritsar, aged 27 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 576), returned from Shanghai *viâ* Hong Kong by the *s.s. Nam Sang*, reaching Calcutta on the 13th October 1914.

He was interned on 20th July 1915 ; and arrested in connection with the present case on 29th September 1915.

He was identified on Jail parade by approver Sundar Singh (W. G.); and in Court by that approver and Mula Singh, 21 Surain Singh and Amar Singh, II (who called him " Puran Singh," and said he had seen him at Kapurthala).

We shall have later to consider in connection with this accused the confessions of 3 co-accused.

Approver Sundar Singh (W. G.'s) statement is as follows : – Accused was a Police Constable at Shanghai. He was at Howrah Station with accused Gujar Singh's party on the day of arrival at Calcutta ; and on the 16th or 17th October 1914 he and the witness arrived at Amritsar, and went to Nanak Singh's *chaubara*, and belonged to Gujar Singh's *Dewali* party there. At Amritsar, before the Nankana fair, the witness receives a message from Gujar Singh through accused ; and goes with him and accused Harnam Singh of Rasulpur and Harnam Singh of Sialkot (Lahore Conspiracy Cose) to Khasa Station, where they meet accused Sundar Singh (85) and Sundar Singh (87), and fetch Gujar Singh for a consultation ; and accused is left behind at Khasa Station, it being arranged that accused shall ascertain the date for a rising from Gujar Singh, and communicate it at Nankana fair. Accused come to that fair with a message that no date has been fixed, but that enquiries should be made after a week. After the fair, accused is sent off to the *Bar* to collect funds. He is at Tarn Taran *Masya* asking the date of the rising. He is present at the first meeting at the Jhar Sahib ; and also at the meetings there on November 23rd and 26th, 1914, but the witness says accused was not present at the meeting at Khairon mound. Later, at Amritsar, the accused directs witness and Harnam Singh of Sialkot to the *dharmsala* where approver Mula Singh is putting up ; but does not go inside himself. A few days later, accused comes to witness's village and invites him to join in the Chabba dacoity, which witness declines to do. In cross-examination, this witness (who served just 5 years in the of 93rd Infantry) stated that accused enlisted before he did, but he could not say whether Subadar Prem Singh of that Regiment (and village Virpal) got accused enlisted (page 90). The witness denied that he was compulsorily discharged from the regiment through the instrumentality of one Subadar Narain Singh. He admitted that there had been some trouble over a lost rifle-bolt ; but that a Court of Enquiry released him when the bolt was found in one Mihan Singh's kit. In re-examination the witness asserted that he had obtained employment in the Shanghai Police on the strength of his Discharge Certificate marked " Very Good ;" which, however, is now lost.

Approver Kala Singh is another witness who asserts that accused was present at the Jhar Sahib on November 26th, and he says that accused was one of those who suggested meeting at the Khairon mound. He says that accused was also at the Jhar Sahib when there was a discussion about the abortive attempt on Sarhali *Thana*. The witness explains his failure to identify accused in Court by the change in his clothes and appearance ; but says that he has known accused since the *Ghadr* started, and that his name was well-known at the Jhar Sahib. In cross-examination (page 111) he asserted that accused was a prominent speaker at the aforesaid meeting.

P. W. 21, Surain Singh, is another witness who states that this accused was at the Jhar Sahib after the meetings of November 23rd and 26th, namely, at a small assembly on November 30th, when future plans were discussed : and on December 1st when, on getting a warning that the Police were in the vicinity, accused left for Bhure with accused Prem Singh.

P. W. 151 is a *lambardar* of accused's village Virpal; and his statement is only that after his return from abroad accused only spent some 3 days, in his village; and then left for 4 months.

P. W. 189 is another witness from Virpal; and he merely states that Kala Singh (who was hanged in connection with the Walla Bridge murders) gave him a message summoning accused to village Jhandi. The message apparently was never delivered. On the third day afterwards, the witness heard of the Walla Bridge murders.

Approver Mula Singh's statement is as follows:—A few days after the *Amawas* he meets accused in Taran Taran *Gurdwara* with Harnam Singh, *Komagata Maru* passenger; both of whom question him as to the date for a rising, and are told by him to wait. He afterwards meets accused at the Virpal *dharmsala* with Kartar Singh (Lahore Conspiracy Case), Nidhan Singh (Lahore Consepiracy Case) and others; and a discussion takes place *re Ghadr* matters and bombs; approver, Amar Singh, I, offers to get bomb cases, and Nidhan Singh suggests Jhabewal as a place for the manufacture of bomb material.

Later, accused is present at Sant Gulab Singh's *dharmsala* (page 335) when Mathra Singh (absconding in the Lahore Conspiracy) prepares an experimental bomb; and two days later at the same place with Harnam Singh of Sialkot (Lahore Conspiracy Case) when accused Jawand Singh, absconder, suggests a dacoity in the Doaba; for which the accused and others start, but which proves abortive. Wasawa Singh (Lahore Conspiracy Case) applies to the witness for men for the Chabba dacoity, mentioning accused. At Gulab Singh's *dharmsala* the witness finds accused with Nidhan Singh; and the latter says that bomb materials are ready at Jhabewal. Later, the witness sends accused and Harnam Singh of Sialkot to Wasawa Singh (Lahore Conspiracy Case) to enquire when the men are to meet for the Chabba dacoity telling accused to return to Amritsar for men on the date fixed. Afterwards (page 336), accused tells the witness the place fixed upon for assembling for the Chabba dacoity; and that Harnam Singh of Sialkot has gone to get men; and leaves for that dacoity with Ram Rakha (Lahore Conspiracy Case absconder) and others, the gang having 2 pistols: accused returns the next morning, and tells witness that, on account of the non-arrival of men from Sur Singh, the attempt proved abortive; and, after a second unsuccessessful attempt, the same gang make an unsuccessful attempt at a dacoity near Jandiala. This witness's statement is to some extent corroborative of approver Sundar Singh (W. G.'s) statement *re* the connection of this accused with the Chabba dacoity; but it does not appear that the accused actually took part in the successful dacoity at Chabba. In cross-examination the witness denied having had any quarrel with accused; and stated that he last saw him at Amritsar *Thana* during the Chabba investigation.

Now, we find this accused mentioned in the confessions of three co-accused—Bogh Singh (*Mahant* of the Jhar Sahib), Teja Singh of Bhikewind and Thakur Singh of Thatian. The first of these mentions accused as coming to the Jhar Sahib along with the important accused Prem Singh (since convicted in the Padri murder case, in search of Lal Singh of Bhure; and making off at the same time as the *sowars* deserters on receipt of a warning about the police.

Teja Singh mentions him as on his ship (along with accused Gujar Singh); and his statement is corroborative of approver Sundar Singh (W. G.) as to the meeting with Gujar Singh at Khasa Station. Thakur Singh of Thatian's confession also mentions this accused as on Gujar Singh's ship along with co-accused Ijaib Singh, whom Teja Singh also mentioned.

Accused's statement before us will be found at page 392 of the printed record. He denies knowing whether accused Budha Singh returned on his boat (who is mentioned in the confessions of all three above co-accused); and says that he never went to Nanak Singh's *chaubara* in Amritsar; but straight

to his village. He was at the *Masya* fair; but not in connection with a rising, and has never even seen the Jhar Sahib. He does not even know approvers Kala Singh and Amar Singh, II; and never went by the name of "Puran Singh" (why should this have been invented ?). He never left his village; and the *lambardar* witness is lying. He has never seen Sant Gulab Singh's *dharmsala* in Amritsar; and, when visiting the Virpali *dharmsala*, never saw approver Mula Singh or other conspirators there. He asserts that he was arrested and released in the investigation of the Chabba dacoity; and that it was then that approver Mula Singh got to know him in the *thana*; after which the Police concocted a false case. He asserts enmity with approver Sundar Singh (W. G.) over the matter of a lost rifle-bolt in Burma; says that Sundar Singh (W. G.) was dismissed his regiment; and further was taken into custody by accused's cousin Narain Singh when he (the approver) visited his brother Tahl Singh in the 93rd Punjab Infantry. In short, the only witness against whom any enmity is alleged is Sundar Singh (W. G.).

The defence witnesses are D. W. 103 to 106 inclusive; 397, 561 to 563 inclusive; and 709 to 711 inclusive. The statements of the first four are unconvincing. They give accused a good regimental character; but D. W. 104 says the bolt of the rifle was missing at Barrackpore (not in Burma); and D. W. 105 says "some people slightly suspected Sundar Singh" of having stolen the bolt; and that accused charged him with the theft. All this lot of witnesses belong to the 93rd Infantry; and there is vague evidence intended to corroborate that Subadar Narain Singh once got Sundar Singh approver arrested. D. W. 397 says that accused had a good regimental character, and Sundar Singh a bad one. That Sundar Singh was suspected of the theft of the bolt, and was dismissed; and that the bolt was found in a puddle of water. Though the witness says that a regimental Court of Enquiry was held about the loss of the bolt, no documentary evidence has been produced. D. W.'s 561, 562 and 568 assert quarrels between accused and a *lambardar*; and with one Thakur Singh of their village (alleged to be a relative of Mula Singh approver). The accused, however, said nothing about a quarrel with Thakur Singh in his own statement. D. W.'s 709, 710 only make the defence case worse. The first says that Sundar Singh was suspected at Rangoon (Burma) of the theft of the bolt; but was charged by accused at Barrackpore; the second says that the suspicion took place at Barrackpore. D. W. 711 merely gives accused a good character. All three witnesses belong to the 93rd Infantry; and they are a Naik, a Sepoy and a *Mistri*.

Defence Counsel has argued that appover Mula Singh's evidence should be disregarded because he is accused's enemy. No doubt Mula Singh admitted (page 339) that he was related to one Thakur Singh of Virpal; and Counsel has referred to D. W.'s 561, etc., but, as we have said, accused did not allege any enmity in his statement. It is asked, why did not Mula Singh enlist this accused's help at Virpal *re* melting ornaments? But it only appears that he did not do so. It is complained that the Virpali *dharmsala* witnesses of the last case were not produced to corroborate Mula Singh; the bolt incident is pressed for all it is worth; and it is urged that accused's name does not appear in the Khairon note-book. This is true; but we know that the recording of names ended somewhat abruptly. It is put forward that accused's activities ended at the Jhar Sahib (we certainly cannot agree with Counsel); and that he is an old soldier.

Counsel for the Crown has urged, with reason, that it is absurd to suppose that Mula Singh concocted all his story on account of an alleged drunken brawl between accused and Thakur Singh; and on the point that Kala Singh, approver, did not identify accused in Court (he did not attend Jail parades), has said that Kala Singh even now is not whole-heartedly with the prosecution. This is very likely correct; but Kala Singh himself in Court gave the reason (as regards this and other accused) that it was accused's "different clothes and appearance." Counsel further correctly urges that no really reliable witness has been produced to testify to the accused's part in the bolt incident.

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On the evidence we are satisfied that the accused left Shanghai in a war-like array, that he abetted the waging of war at the Jhar Sahib by being present at the latter place on the 26th of November, and by being present on the occasion of the experimental bomb. We are also satisfied he abetted the commission of dacoity by trying to get men together for the Chabba dacoity and attempted to commence dacoity as evidenced in the witnesses' statements.

We accordingly find him guilty under sections 121, $\frac{395}{109}$, Indian Penal Code, and sentence him to transportation for life.

We further direct that all his property, liable to forfeiture, be forfeited to the Crown.

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8. Budha Singh, son of Ishar Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 24 :—

This accused who pleaded "Not Guilty" to the charges framed against him (page 578), reached Calcutta by the *s.s. Nam Sang* on the 13th October 1914. We shall have later to consider in connection with his case the confessions of certain co-accused. He was arrested on 22nd September 1915.

He was identified on Jail parades by the following approvers and witnesses :—Sunder Singh (W. G.), Natha Singh, Surain Singh (saw him at the Jhar Sahib), 15 and 156 who both pointed him out, 177, 182, 183 and 197. In Court by Sundar Singh (W. G.), Natha Singh, Surain Singh, Kala Singh, 15 (by name and village), 156 (when challenged by Defence Counsel), 177 and 185.

Approver Sunder Singh (W. G.) tells us that accused had been a watchman at Shanghai; and that he first met him at Hong Kong *Gurdwara*. Accused joined the *Ghadr* party but said that he had no passage-money; and remained at Hong Kong with Mathra Singh (Lahore Conspiracy Case), saying that he would follow *vid* some other port, in order to avoid a search; and eventually accused 85 Sundar Singh of Doulu Nangal supplied the passage-money of accused and Mathra Singh. The witness meets him on the day of arrival at Calcutta among the men of accused Gujar Singh's party at Howrah Station (the witness remembered his name in Court directly he was asked the question whether "any man of Sur Singh village was there"); and afterwards at Nanak Singh's *chaubara* at Amritsar on October 17th, 1914; and accused is one of Gujar Singh's *Dewali* party at that place. He is present at Tarn Taran *Masya*, asking the date for a rising; and later, on the way to the Jhar Sahib, the witness meets him in the company of accused Ganda Singh *Nihang*, and is told that the date for the Jhar Sahib assembly has been postponed to November 26th. On November 25th the accused arrives with accused Teja Singh of Bhikewind and approver Natha Singh at the house of Lal Singh of Bhure (Lahore Conspiracy Case); and is present at the Jhar Sahib assembly of the 26th. According to the witness accused's name is entered in the Khairon note-book (*Exh. P.* 1); accused took part in the abortive attempt on Sarhali *Thana*; and went on to the house of the Dhun *zamindar*. Some days later, Kala Singh (since hanged) comes to fetch the witness (who by that time had begun to repent of having taken part in the *Ghadr* schemes), and tells him that the accused is with Natha Singh, approver. The witness, in cross-examination, denied any quarrel with accused in Hong Kong.

Approver Natha Singh's story is as follows :—About two days prior to the *Dewali*, the accused (who belongs to the witness' village) comes with Channan Singh (who was hanged in connection with the Walla Bridge murders), and stays 2 days with the witness, talking of revolution and looting, and informing him that a meeting has been fixed for the *Dewali* fair at Amritsar. The witness gives as a reason for this visit that accused knew him to be an influential *Mahant*. Accused and Channan Singh leave for Amritsar on *Dewali* day; and return some four days later saying that everything will be ready within a month, and asking the witness to join in the *Ghadr*. Accused then goes to Bhure to ask Lal Singh of that place whether *chavis* are ready; returns with that information that they are not; and stays 2 days, asking the witness to procure men. (Incidentally, we learn from this witness that accused had deserted from a Mule Battery; and had shortly before returned from Shanghai). About 10 days afterwards the accused and Channan Singh and accused Sadhu Singh come again, and talk revolution; leave with the witness for Bhure, where they meet Kala Singh, approver, and go with him to the house of Lal Singh (Lahore Conspiracy Case); but, finding Lal Singh gone to the Jhar Sahib, return to the witness' village to sleep. Accused tells the witness of the proposed *Masya* meeting at Tarn Taran; and both of them go there (compare approver Sundar Singh—W. G.), and interview accused Ganda Singh *Nihang;* and a discussion takes place between accused and Ganda Singh and accused Sadhu Singh "in a foreign language"; and accused points out accused 97 (who was discharged by this Court) as a Shang-

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hai revolutionist. A few days later, on the way to Bhure, the witness and Ganda Singh *Nihang* meet accused; and all three go to Lal Singh of Bhure. Accused is sent to fetch approver Kala Singh. The witness, Ganda Singh *Nihang* and accused go to Ujagar Singh of Sangatpur; on to Goindwal; back to Bhure; and then to the witness' *haveli* at Sur Singh. A few days later accused Sadhu Singh comes there with a message that men are to assemble at the Jhar Sahib that night for the projected rising; and accused and the witness start unarmed for that place, but learn from Sadhu Singh on the way that the date has been postponed; so go on to Bhure, learning on the way from approver Sundar Singh (W. G.) of the failure of the 23rd Cavalry *sowars* to turn up at Jhar Sahib. Accused is present at Lal Singh's, prior to the meeting at the Jhar Sahib on the night of November 26th; and attends that meeting, being given 12 *chavis* to carry there. After the dispersal of that assembly, accused accompanies the witness to P. W. Kesar Singh, of Sarhali Mandan; is present at the Khairon mound meeting on the night of the 27th; takes part in the attempt on Sarhali *Thana*; and goes on to the *zamindar* of Dhun (again compare the previous witness).

After the witness' return from his visit to Lahore Cantonment, the accused and accused 96 Udham Singh abandon their revolutionary ideas; become followers of the witness (as disciples), and tour about with him until a squabble takes place among the disciples. Later on, the witness learns that accused has been arrested as a deserter, and has been taken back to his Mule Battery.

Now this is a long and very detailed statement; there seems absolutely no reason to believe that the witness invented it or that some one else invented it and taught it to him; and cross-examination elicited no reason why this witness should be falsely testifying against this accused, whom, the witness says, he has known since childhood.

Approver Kala Singh corroborates to the effect that a few days after *Dewali* the accused came with Natha Singh enquiring after Lal Singh of Bhure; and on that occasion Natha Singh told witness of the intended *Ghadr*. A few days later both came again; and at Lal Singh's house, where the witness was fetched by accused, the witness agreed to join. The accused, we are told, used to carry out the instructions of Lal Singh and Natha Singh, and collect information. He attended *Ghadr* recitals at the Jhar Sahib; and used to visit Lal Singh and the Jhar Sahib to convey information *re* change of dates for the rising. He attended an assembly at Lal Singh's house; and was at the Jhar Sahib assembly on the night of November 26th,—(*vide* approvers Sundar Singh, W. G., and Natha Singh). He also went with Kala Singh (hanged) to fetch one Saddu to make fresh preparations for *Ghadr*. The witness was not cross-examined.

P. W. 21 Surain Singh mentions accused at present at the Jhar Sahib on November 30th; and again on December 1st, when it was decided to consult Saddu, *pahlwan*, about getting more men. This witness mentions this accused in association with the two *sowar* deserters, accused Sucha Singh and Maharaj Singh. In cross-examination the witness says that accused Prem Singh told him the name of accused, with whom he had no conversation.

P. W. 15 helped Lal Singh of Bhure to carry food to the Jhar Sahib, and saw accused there; the witness' statement to a Magistrate is *Exh. T.* 24 which was tendered by way of corroboration.

P. W. 156 (challenged in Court by Defence Counsel) identified accused in Court as one of some four men to whom accused Bogh Singh read seditious literature at the Jhar Sahib in the middle of *Katak* (compare the statement of Kala Singh on this point).

P. W.'s 132, 177, 182, 183 and 197 speak concerning accused's association with, and his wandering in company with Natha Singh; and P. W. 183 mentions him in company with accused Ganda Singh *Nihang* at Natha Singh's *haveli*.

P. W. 186 Channan Singh of Bhure corroborates that a few days before the *Masya* accused and Natha Singh came enquiring for Lal Singh of Bhure; and that, later, accused came with Ganda Singh *Nihang* and Natha Singh, and Kala Singh joined them, and sedition was talked. This witness, of course, is the son of Lal Singh of Bhure (who was convicted in the Lahore Conspiracy Case). He had been on bad terms with his father; and was himself in custody for some 2 months in connection with the murder of Kapur Singh (the witness in Lahore Conspiracy Case).

P. W. 197 corroborates as to the wandering of approver Natha Singh (the witness' *guru*) with a mob of some 12 persons to Sarhali during *Maghar*; the party made out that they were searching for lost cattle.

P. W. 360 (Inspector Harbishan Singh of C. I. D.) concerns the arrest of accused in his Mule Battery at Bareilly.

We find this accused mentioned in the confessions of the co-accused Bogh Singh, Kesar Singh, Teja Singh of Bhikewind, Thakur Singh of Thatian, Ganda Singh *Nihang* and Sultan Shah.

The co-accused Bogh Singh mentions him as at the Jhar Sahib in company with Lal Singh of Bhure and approver Natha Singh on more than one occasion; and as talking about help from the Bengal revolutionists.

Kesar Singh mentions him as at the Jhar Sahib with the same persons, and Teja Singh of Bhikewind, Sultan Shah and others; and as one of the persons on the riverside after Dhun.

Teja Singh of Bhikewind mentions him at Hong Kong *gurdwara*; as stopped with him by the Police at Amritsar station; in association with approver Singh (W. G.) at Sur Singh; in association with co-accused Ganda Singh *Nihang*; as at the house of Lal Singh of Bhure, the Jhar Sahib, and Khairon mound, Dhun and the riverside; and as eventually departing in company with the co-accused Sultan Shah.

Thakur Singh of Thatian mentions accused as at the Amritsar *Diwali* fair; as at Khairon; and as, along with approver Sundar Singh (W. G.), preventing him (Thakur Singh) from departing to his village after the abortive attempt on Sarhali *Thana*.

Co-accused Sultan Shah's confession corroborates that of co-accused Teja Singh, to the effect that Sultan Shah and the accused whose case we are considering left together after the assembly at Khairon and the abortive Sarhali attempt.

There are quantities of references to this accused throughout the lengthy confession of co-accused 155 Ganda Singh *Nihang*. He mentions him in connection with approver Natha Singh, Kala Singh, Lal Singh of Bhure, Sangatpura and Gondwal villages; the Jhar Sahib and Khairon; Sarhali *Thana* attempt; the Dhun *zamindar* and the riverside mob, and he is the third co-accused who mentions this accused and Sultan Shah eventually departing together. We, of course, bear in mind that all the confessions in this case are retracted confessions; but we cannot overlook the manner in which they corroborate each other and the prosecution witnesses evidence on quantities of points.

Accused's statement before this Court commences at page 394. He, of course, admits deserting from his Mule Battery, which he rejoined before his arrest at Bareilly in the United Provinces. He admits seeing approver Sundar Singh (W. G.) at Hong Kong *Gurdwara*; but says he himself did not join the *Ghadr* party. He says he knows nothing about accused Gujar Singh or his party; that he was released on bail at Amritsar; and that he did not attend Tarn Taran *Masya*, or go to Nanak Singh's *chaubara*. He never toured about with approver Natha Singh as his disciple; nor even met accused Prem Singh or the *sowar* deserters, accused Sucha Singh and Maharaj Singh at the Jhar Sahib. The various allegations against him he absolutely denies.

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This accused also put in a short supplementary statement (page 445). In it he alleges enmity with approver Natha Singh (the familiar story about that approver's intrigue with a *Mirasan*, of which several other accused have availed themselves); but about this alleged enmity he made no mention in his oral statement; nor cross-examined that approver. He sets forth the services of his relations.

His Defence witnesses are —

D. W.'s 111, 223 to 225, and 753 and 1022. The first knew him as a watchman in Shanghai; says his character there was good; and that accused is illiterate. The next batch testify to character; admit he was a deserter, but allowed to rejoin; and say he once made an offer to go to the Front. D. W. 73 is to the same effect; and says that accused rejoined his Battery of his own free will, when deserters were allowed to rejoin (accused himself said he was sent back by one Khushal Singh *zaildar*). D. W. 1022 says accused offered to go on field service; but was not equal to the work required of him when he first joined. However, this court is not trying him for deserting from his Battery.

In arguments Counsel for the defence felt the weight of the overwhelming prosecution evidence; but urged that the *Ghadr* "leaders" got innocent persons into the mire, who found it difficult to get out again; and put forward the somewhat *naive* proposition that accused originally deserted his regiment being "afraid of work;" and finding *Ghadr* work too hard, rejoined his regiment, and was found there leading a decent life.

Counsel for the Crown has not wished to say much beyond that there is a heavy case against accused (including the confessions of 6 co-accused); and he has asked for a death sentence on the ground that accused was a soldier at the time when he took part in the *Ghadr*.

We are satisfied that the accused committed the offence of waging war by sailing from Shanghai in an armed array to wage war, and by participating in the Sarhali array. It is unnecessary for us to detail minor acts.

This guilt is aggravated by the fact that he was a deserter, but on the other hand it is minimized by the fact that he soon realized the futility of the *Ghadr* designs and, having done so, early abandoned the movement and rejoined Military Service.

In consideration of these facts, though the Crown has pressed for a death sentence, we think the justice of the case will be met by convicting accused under section 121, Indian Penal Code, and sentencing him to transportation for life, which we accordingly do. We also direct that his property, liable to forfeiture, be forfeited to the Crown.

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9. Chanda Singh, son of Kala Singh, caste *Darzi*, of Doudhar, Police Station Moga, District Ferozepore, aged 36.

This accused, who pleaded " Not Guilty " to the charges framed against him (page 580), is a tailor by trade. He arrived at Calcutta from Penang by the *s.s. Yat Shin* on the 13th January 1915. He was interned on 6th July 1915.

He was not identified on Jail parade ; but in Court by approvers Arjan Singh and Nand Singh.

Approver Bhagat Singh did not identify accused either on Jail parade, or in Court ; but he has stated that approver Arjan Singh introduced him to accused ; and that accused's name occurs at page 82 in the witness' diary *Exh. P.* 15, an entry of March 7th, 1915 (*vide* page 185 of the record).

Approver Arjan Singh (who belongs to accused's village) states that he and his brother left with accused for Penang on the 26th April 1914 ; and accused worked there as a tailor. When the *s.s. Tosha Maru* arrived from America in October 1914, the witness, accused and approver Nand Singh were living together. Nand Singh brought some of the passengers including approver Nawab Khan to the house for refreshments ; and Kesar Singh (Lahore Conspiracy Case) told those present about the Budge-Budge affair ; and in accused's presence, there was talk about the Cawnpore Mosque, Rikabganj *Gurdwara* and a proposed rebellion (*vide* statement of approver Nawab Khan on page 364). Accused and the witness returned to India by the same ship. About the beginning of March (compare the date in Bhagat Singh's diary) Bhagat Singh comes recruiting for accused Arjan Singh's proposed " party " ; and the witness introduces accused, who agrees to join. (There would be nothing extraordinary, therefore, about Bhagat Singh's making a note about him at the time ; and being unable afterwards to identify him in short, this would go to prove the *bonâ fides* of Bhagat Singh approver). Arjan Singh goes on to say that this accused made a sheath and sash for the *kirpan* of " Puran Singh " out of cloth supplied by the witness.

Cross-examined (page 202), the witness says that he has known accused 10 years ; and stopped with him at Ludhiana *serai* ; but denies that he ever quarrelled with him in the presence of Phuman Singh and Ram Singh about a loan.

Approver Nand Singh states that he met accused in July 1914 at Penang, who was working there as a tailor ; and also met approver Arjan Singh there. He corroborates the last witness as to the entertainment of the *Tosha Maru* passengers, when sedition was talked ; and says that he, Arjan Singh and accused agreed to join the *Ghadr* movement. Accused attended a seditious lecture at the *Gurdwara*. In January 1915, accused and Arjan Singh sail by a Jardine Company boat for India, giving out that they are going " for *Ghadr*." On the 12th March, the witness goes to Arjan Singh's house at Doudhar ; and accused comes there with his nephew Thaman Singh ; Arjan Singh says that they have joined the *Ghadr*, and the witness agrees to join—and soon afterwards the approver Bhagat Singh turns up at Arjan Singh's house. Accused is present when accused Arjan Singh tells of a proposed dacoity at Ghalib for March 21st ; and the Doudhar men promise to assist ; but fail to turn up. During April the accused and witness are introduced to accused Ishar Singh (*alias* Puran Singh) and Banta Singh " of the golden teeth " (since hanged, who is also mentioned by approver Arjan Singh in connection with accused Ishar Singh)—who are anxious to kill the man who caused the arrest of Nidhan Singh and Rur Singh (both of the Lahore Conspiracy Case) ; and accused sends his son (P. W. Mehr Singh) and another small boy to call Kapur Singh (accused discharged by this Court) to whom Banta Singh talks in English. This witness also mentions the making of a cloth sheath for a dagger by this accused ; and in cross-examination (page 237) says that the cloth for it was supplied by approver Arjan Singh. He denies any quarrel with accused over a loan ; and says that accused was his friend, and that he repaid all loans. In re-examination the witness said that he only bought *gur* and so forth from accused, and paid for them.

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This accused's statement will be found at page 395 of the record. He admits that approver Arjan Singh travelled by his boat; and that he accompanied Arjan Singh and his brother to Penang in April 1914, but he denies living with him and approver Nand Singh at the time of the arrival of the *Tosha Maru*; and denies that passengers from that ship were brought for refreshments. He says that he returned to India on account of his son; reached his village on January 17th, 1915; was restricted and never left it. As regards the entry in Bhagat Singh's diary (regarding which approver he makes no allegation of enmity), he can only suggest that, perhaps, his enemy Arjan Singh got Bhagat Singh to enter his name. As regards Arjan Singh and Nand Singh, he says that both owed him money, and refused to repay.

The Defence witnesses are D. W.'s 22 to 28 inclusive. Their evidence is all to the same effect; and the gist of it as follows:—The accused was, on his return, restricted and never left his village, where he worked at his tailoring. His character is good. Both Arjan Singh and Nand Singh are friends; and both owed accused money. There were disputes about this matter—but no case resulted.

Defence Counsel in arguments has urged that this accused is not mentioned as present at any assembly; nor in the confessions of any of the co-accused. He says that Nawab Khan did not identify accused, nor mention the matter of refreshments. Nawab Khan, probably, did not think the matter important enough; but he does mention talk of the Budge-Budge affair at Penang (page 364). It is urged that approver Nand Singh does not mention living with accused there; but he was not questioned on that point. Lastly, it is advanced that Bhagat Singh concocted the story that Arjan Singh introduced him to accused. This we are not prepared to accept; but we are prepared to agree with the suggestion that Bhagat Singh entered his name in his diary, when recruiting, knowing him to be a returned emigrant; and it is true that there is no evidence from Bhagat Singh of accused's talking *Ghadr* with him.

The Defence evidence is, in our opinion, negligible; but we would not lay much stress on the making of the sheath or sash—since the accused, being a tailor, would presumably do such work for anyone. Counsel for the Crown did not wish to make any special remarks

In our opinion, while not entirely rejecting the evidence for the Crown it is somewhat vague in so far as accused's direct complicity is concerned, and lacks that conviction which is necessary to support a finding of guilty. We accordingly give the accused the benefit of the doubt, and acquit him.

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10. Dalip Singh, son of Hamir Singh, of Phullewal, Police Station Sadr Ludhiana, District Ludhiana, aged 15 or 16 :—

This accused (who pleaded "Not Guilty" to the charges framed against him—page 551) is only a youth; and appears to have been more or less a satellite of accused Randhir Singh. He was arrested on 15th October 1915.

P. W. 349, Jaimal Singh, student, identified him as "Santa Singh," whom he had known at school.

He was also identified on Jail parade by the following approvers and witnesses :—Sundar Singh (A. M.), Anokh Singh (as "Santa Singh"), Udham Singh of Hans, Bhagat Singh, Amar Singh II (who pointed him out) and 42 Ganda Das.

In Court by Bhagat Singh, Udham Singh of Hans, 27 Indar Singh of Khanna, who stated that he did not identify him on Jail parade "because his *aql* told him not to;" Anokh Singh; 39 *Mussammat* Nihal Kaur, and 40 Teja Singh, of Samrala.

Approver Sundar Singh (A. M.) has mentioned accused as present at the non-seditious meetings at Lohatbadi, Khanna and Chamkor Sahib; and as one of about 100 persons present at the *Granth Sahib* recital at the house of Ram Singh, Reservist, at Gujarwal when accused Randhir Singh was present. This witness does not assert that accused took part in the subsequent secret meeting there; but mentions him as one of Randhir Singh's party at Mullanpur Station on 19th February; and says that some days later he found accused with Randhir Singh at the house of Randhir Singh's father in Nabha. In cross-examination the witness omitted accused's name when repeating the names of persons at Mullanpur; but asserted that he was usually to be found in Randhir Singh's company.

Approver Udham Singh of Hans states that accused was one of those at Randhir Singh's house on 19th February; and both he and approver Bhagat Singh mentioned him as one of Randhir Singh's black-robed party at Mullanpur Station; and as present at the reed jungle assembly at Ferozepore that night. Approver Anokh Singh and P. W. Mussammat Nihal Kaur give corroborative evidence as to the incidents of the 19th February, and accused's part in them; and the first of these two witnesses says that it was Randhir Singh, who gave accused the *pahul*. Approver Bhagat Singh mentions accused as in Randhir Singh's party at Phemi-ke-Kai Station.

It is difficult to see why any of these witnesses should have wished to wrongfully incriminate this youth; and Udham Singh of Hans appears to have been his fellow-student.

P. W. 27 cannot say when accused arrived at Gurbachan Singh's *path* at Dhundari; but P. W. 42 Ganda Das distinctly asserts that accused took part in the secret seditious meeting held after it; and P. W. 40 Teja Singh of Samrala corroborates to the same effect. There was practically no cross-examination by accused on this point.

P. W. 232 speaks as to the arrest of accused at Rampura Phul Station on October 15th, 1915, along with the youth, accused Harbhajan Singh.

Accused's oral statement before this Court commences at page 397. He, of course, admits his presence at non-seditious meetings; and admits his presence at the religious ceremonies at Gujarwal and Dhundari; but says that prayers were offered for the victory of the British, and that no secret meeting took place after either ceremony. He says that he was known as "Santa Singh" prior to receiving the *pahul*, which Randhir Singh did not give him. He often goes about with Randhir Singh. He denies the allegations *re* his connection with the Ferozepore incident; and says that, at the time of his arrest with co-accused Harbhajan Singh, he was on his way to a conference at Ferozepore. He says that he left school, and began to read with Randhir Singh; that approver Sundar Singh (A. M.) is his enemy ("he was punished by us for misappropriation of money"); and that Udham Singh was also

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punished for cutting his hair. (Even if true, a youth like accused could have had little to do with the inflicting of religious fines.)

His written supplementary statement (page 556) put in some 12 days later asserts that the Police wanted him to give false evidence against Randhir Singh. It speaks of his association with that accused; and contains an allegation of enmity with approver Bhagat Singh (on account of a religious penalty inflicted on that approver's father)— about which not a word had been said in accused's oral statement.

The Defence witnesses are D. Ws. 889 to 894 inclusive. The accused himself gave us no dates on which be had read *paths* at peoples' houses; nor mentioned Gharoan village; yet, these villagers of Gharoan are produced to say that from the convenient date of the 8th or 9th *Phagan* (that is, the 19th or 20th February 1915), onwards for about a week or ten days, this accused was engaged in reading *paths* in that village. A more clumsy attempt at an *alibi* it would be difficult to conceive; and it certainly looks like part of the attempt on behalf of some of the accused to make out *alibi* for the 19th February 1915, and to upset the dates of the meetings at Gujarwal and Dhundari.

Accused's Counsel in arguments has urged that accused is only a youth; an orphan; and always in the company of accused Randhir Singh. That he was not a free agent; did not know much of what was going on; nor realized the gravity of the situation in which he was placed. There is, no doubt, sense in these remarks; and Counsel for the Crown has not wished to urge much against them. The attempt to prove an *alibi* has, of course, failed; and we adopt our remarks about the real dates of the Gujarwal and Dhundari meetings.

The evidence against this accused shows he early came under the influence of Randhir Singh, and whatever he did he did under that influence.

There is, however, no doubt that he did go to Ferozepore on the 19th February, and so committed an act of waging war. We find him guilty of the offence of waging war under section 121, Indian Penal Code; but in view of his extreme youth, and the fact that as a youth he was led away by a pernicious preceptor, though we are compelled in law to sentence him to transportation for life, we recommend him to the utmost mercy.

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but recommend that the penalty should not be enforced.

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12. Dhan Singh, son of Hari Singh, of Dhaloke, Police Station Moga, District Ferozepore, aged 26 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 583), reached Calcutta by the *s. s. Korea* and *Tosha Maru* on 29th October 1914. He was arrested in Calcutta, and was interned in Multan Jail on 1st November 1914.

He was identified on Jail parade by approvers Nawab Khan, Umrao Singh and Amar Singh, I, who also identified him in Court.

Approver Amar Singh, I, however, has distinctly asserted that the " Dhan Singh " of Bridalveil, whom the witness mentioned as having been present at one of Hardyal's seditious meetings (page 345), is *not* this accused. He says that he saw accused on the *Korea* and *Tosha Maru*, that a *Ghadr* paper was found on accused at Calcutta, and that he was arrested. He first saw accused on boardship, but had no talk with him, nor did accused lecture. The witness says that when he stated to the magistrate that a man from Canada had a typewriter, and another man seditious literature, he mentioned no names.

The witness appears to have made a correct statement in saying this.

Approver Nawab Khan's statement simply amounts to this, that at Calcutta Rur Singh (Lahore Conspiracy Case) told him that a typewriter and a seditious pamphlet had been found in accused's box. Rur Singh told the witness that one Sappha Singh had sent the typewriter for a friend ; and that he had given it to accused to keep ; but that he knew nothing of the seditious paper, which possibly Saggha Singh had put along with the typewriter (page 368).

Approver Umrao Singh states that he met accused at Fowler about August of 1914 ; and that accused attended the Fresno meeting of the 9th or 16th August. On the 28th or 29th August he saw accused at the *Yugantar* Press in Frisco, ready to sail. In cross-examination he states that he and accused worked in America for 10 days at peach-gathering ; but denies that he and accused quarrelled because he (the witness) broke a wagon. He says that he mentioned accused's names in the Lahore Conspiracy Case. We can find no record of this, but it is possible that the witness did mention him, and that, as the accused was not then an accused, no special note of his name was made ; and he was included in the expression " *and others.*"

The remaining 2 Prosecution witnesses concern accused's arrest. P. W. 346, Mr. Slattery of the Criminal Investigation Department, simply says that accused was arrested at Calcutta and interned after being found in possession of a duplicating apparatus and a seditious manuscript ; but the witness was not himself present at the discovery.

P. W. 359 (a Sub-Inspector of the Calcutta Police—page 375) states that he boarded the *s.s. Tosha Maru* before it entered the dock at Calcutta ; and searched the passengers' baggage; in the middle of accused's box he found a duplicator and certain papers. The duplicator seems to have disappeared ; and has not been produced in this Court. The witness states that the paper *Exh. P.* 251 was actually in the duplicator, which itself bore the negative. The nature of *Exh. P.* 251 is apparent ; and we have only to consider its connection with accused.

The remaining 3 papers (*Exh. P.* 252) were found separate in the same box ; and one of these is in copying-ink, only just begun for printing. *Exhs. P.* 251 and part of 252 are extracts from the printed portion of *Exh. P.* 252, which forms part of a *Ghadr*. This witness speaks as to accused's arrest and internment. In cross-examination the witness says that he was present when the box was opened by the Customs officials. The duplicator was in a cardboard box ; and the papers were handed to him as found.

Accused in his statement (page 398) says that he returned to India, after 6 years abroad, at the request of his people ; but was never at Bridalveil.

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That, between Hong Kong and Singapore, Rur Singh (the revolutionist who was arrested along with the notorious Nidhan Singh of the Lahore Conspiracy Case) asked him to keep the duplicator in his box; and that accused gave Rur Singh the key, who put in the duplicator—accused being unaware that it contained any pages. Rur Singh said he would take his things back at Calcutta.

(It is only just to this accused to add that from the record of the last case we find that Rur Singh was a member of a committee formed on the voyage for the starting of a seditious Press in India.)

To continue this accused's statement, he says that he did not see Umrao Singh at the *Yugantar* Press, of which he only heard the name in this Court. He is totally illiterate; not even knowing *Gurmukhi*. He and Umrao Singh, when working together in California, had a quarrel about a broken wagon.

The Defence witnesses are D. Ws. 10 to 14 inclusive; 19; and 226 to 229 inclusive. The first five give him a good character; say that his mother called him back; that he is illiterate; and has served in the cavalry. D. W. 29 is to the same effect; and so are the remaining witnesses, who include some relations.

In arguments, accused's Counsel urges that accused is illiterate; and urges correctly that we should be satisfied that accused was aware that the papers in the duplicator and found in his box were seditious. He says it is possible that Sappha Singh put the paper in the duplicator; and this is certainly possible. It was only made over to Rur Singh at Hong Kong. He urges that there was no apparent attempt at real concealment of the papers, etc., in spite of the fact that a search at Calcutta was to be expected. As regards accused's presence (as alleged) at the Fresno meeting, he says that any one may attend a propagandist meeting without being at heart a rebel. We are certainly not prepared to accept Counsel's contention that approver Umrao Singh never himself went to the *Yugantar Ashram* in San Francisco; nor is there any special reason why other approvers (if at that place on the 29th August 1914) should have notified accused, an unimportant person, among the men there. It is possible that accused went there like other passengers about to sail on the *s.s. Korea* and, though it is quite possible that accused, after the Fresno meeting, knew that *Ghadr* was in the air, we agree with his Counsel that on the evidence there is a reasonable hypothesis of innocence, which cannot be excluded. The incriminating papers, for instance, might easily have been got rid of, instead of being left under some clothes in the middle of a box. In short, there is a doubt as to the guilt of this accused, to the benefit of which he is entitled, and we accordingly acquit him.

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13. Dharam Singh, son of Amar Singh, Jat, of Nandpur, Patiala State, aged 35 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 585), is not a returned emigrant. He was arrested on 30th September 1915.

He was pointed out on Jail parade of October 24th, 1915, by approver Sundar Singh (A. M.)—simply as a man, he had seen somewhere, but could not name. In Court he was identified by P. Ws. *Mussammat* Nihal Kaur, 40 Teja Singh of Samrala, and 112 (the pointsman Isa of Phemi-ke-Kai Station), who, however, had not identified him on any Jail parade.

P. W. *Mussammat* Nihal Kaur has stated that accused went by the same train as she did when she went to Ferozepore searching for her husband, the witness Indar Singh of Khanna. In a general observation made during her statement (page 214) she stated—"I saw all I have mentioned in the jungle." This would imply that she actually saw this accused in the reed jungle assembly at Ferozepore on the night of February 19th; but it is, of course, arguable how many persons she would have been actually able to distinguish or notice at night-time in the reeds.

P. W. 40 Teja Singh has asserted that accused was taken off to the Ferozepore attack by accused 77 Santa Singh, after Santa Singh had made accused a Sikh at Khanna. In cross-examination this witness denied that accused and one Punjab Singh had turned him out of a *gurdwara* at Chak 464; and said that he had left of his own accord. He denied having had a quarrel with accused and one Girja Singh; but admitted that he and accused belonged to opposite factions.

Then, we have the statement of the Phemi-ke-Kai pointsman (P. W. 112) for what it is worth.

We have also to consider the possibility that accused Santa Singh, when recruiting men for Ferozepore, may not have fully acquainted accused with the object for which he was being taken there.

Accused's oral statement is at page 399. He asserts that the witness Nihal Kaur, at the *thana*, said she had not seen him. (We know that on Jail parade—*vide* page 53—she refused to attempt to identify anyone.) He denies the allegations against him; and says that he received the *pahul* 10 years ago in Samrala. That he has lived for 10 years in the Bar; and had come to Samrala searching for his sister-in-law; and contributed to a coronation *gurdwara*.

His supplementary written statement (page 399) contains further protestations of loyalty; and the assertion that, at the time when he is alleged to have been at Khanna, Ferozepore, etc., he was at Nandpur, where some *lambardars* reconciled him to his brother.

The Defence witnesses are D.Ws. 282 to 290, etc.; 298; 304 to 307; 325; 326; and 899. The last of these was really one of accused Randhir Singh's witnesses; and all he says is that last July he went to accused to get a subscription for a *gurdwara* at Samrala; and that accused contributed and assisted in collecting. There is nothing in writing to support this assertion—which is adduced as proof of accused's loyalty.

D. W. 282 knows nothing; and other defence witnesses endeavour to prove that on the 19th February 1915 this accused was engaged in a business transaction at his village, Nandpur. Now, not even in his supplementary statement did he give any hint as to what that business had been; and the evidence of the defence witnesses clearly leaves us to infer that the quarrel between the brothers is still subsisting. D. W. 283, a *Sirdarni*, tells us that accused is her *mukhtar* and produces a *bahi* to prove that accused owed her Rs. 1,400. According to her, the accused offered to transfer his land to her; and starting from her own village on the 7th *Phagan* with accused, she reached Nandpur on the 9th *Phagan* (19th February), and remained some 10 days with accused.

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The *transfer was not effected* because of a quarrel between accused and his brother. He went again after certain correspondence ; and three postcards (marked *Exh. D.* 23) have been put in—which obviously do not strengthen accused's case.

The remaining witnesses, including accused's nephew and D. W. 285 (who has lost his diary), have endeavoured to support this utterly unconvincing story of an *alibi*. *Exhibit D.* 24 (a *roznamcha* report of the 27th-28th January 1915) merely purports to show that the wife of accused's brother Ishar Singh had been enticed away. The utmost it could be said to prove would be that this accused had some reason for being about in that part of the country at the end of January 1915. D. W. 309, Head Constable, refers to this *roznamcha* entry. D. W. 298, a *lambardar*, makes a bare statement that P. W. Teja Singh of Samrala was turned out of a *gurdwara* for misbehaviour. On pages 736 and 737 are further witnesses attempting to support the *alibi* ; and one says accused gave some bricks for a coronation *durbar*. Others support the assertion that accused took the *pahul* 10 years ago at Samrala, his former name being " Chainchal Singh. " We are certainly not impressed with the defence evidence.

Counsel for the defence has argued that no approvers mention this accused. This does not look as if there had been much of an attempt to implicate him falsely ; and all that Teja Singh P. W. was prepared to admit was that he and accused had been in opposite factions. We cannot agree with the suggestion that the Police were hoodwinked by Teja Singh to arrest this accused in place of the Dharm Singh mentioned by approver Sundar Singh (A. M.) as connected with the school at Lohatbadi. It is pointed out that P. W. Isa pointsman made mistakes in Court when identifying ; but the fact remains that he did identify this accused as one of those at Phemi-ke-Kai Station. No reason appears why P. W. *Mussammat* Nihal Kaur should have spoken falsely ; and it has only been alleged that she and Sundar Singh (A. M.)—who did not attempt to implicate this accused—have, at this distance of time, disagreed somewhat as to who travelled in their compartment of the train.

Though we do not consider the evidence of *Mussammat* Nihal Kaur a fabrication in any way, the fact remains that her evidence is the only really direct evidence against this accused ; and though it is very probably true we feel we should not convict practically on her evidence alone.

We accordingly acquit him.

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14. Ganda Singh, son of Bahadur Singh, of Khabir Khari, Police Station Jandiala, District Amritsar, aged 27 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 586), is not a returned emigrant.

He was brought up from Bombay, where he had enlisted in the 47th Sikh Regiment; was formally arrested on the 19th September 1915; and his statement was recorded by a Magistrate the same day. We have also to consider the confessions of certain other co-accused as affecting him.

He was identified on Jail parade of 5th October 1915 by approver Natha Singh, and in Court by approvers Natha Singh, Sundar Singh (W. G.), Kala Singh, and by Bhagat Singh (simply as a person he might have been somewhere).

Approver Sundar Singh (W. G.) tells us that after the middle of October 1914 he met accused in Amritsar in company with Kala Singh (since hanged), who had a talk with him about the *Komagata Maru* grievances, asked to see a "leader," and were directed by him to accused Gujar Singh. The witness says (page 76) that he often saw them after that, and that they encouraged him to continue with *Ghadr* work. He states that accused was one of Gujar Singh's *Dewali* party at Amritsar; at Nankana fair was told about the rising; was at Tarn Taran *Masya* asking the date for a rising and was present on the *Masya* day when it was settled to meet at the Jhar Sahib. He mentions accused as present at the Jhar Sahib meetings on November 23rd and 26th; and as one of those who fed with the Dhun *zamindar* after the meeting at Khairon mound and the abortive attempt on Sarhali *Thana*.

Approvers Natha Singh and Kala Singh give corroborative evidence on these points, and the latter mentions in addition that accused used to visit the Jhar Sahib for *Ghadr* work, and was present at a *Ghadr* pamphlet recital there.

There was no cross-examination of these witnesses *re* enmity.

P. W. 360, Inspector Harkishen Singh, speaks as to accused's being found at Bombay enlisted in the 47th Sikh Regiment.

The statement of this accused to a Magistrate, which cannot be used against any co-accused and which has been retracted, will be found at page 401. It can, of course, be considered against accused himself. Briefly, it connects this accused with a Jhar Sahib meeting; the Khairon assembly and the attempt on Sarhali *Thana*; and says that Lal Singh of Bhure gave accused a *gandasa* which he later threw away. It makes out that accused was brought into the affair against his will by Lal Singh, and was threatened when he wished to get out of it.

He is also mentioned in the confessions of the co-accused 15 Ganda Singh *Nihang*, Sultan Shah, Teja Singh of Bhikiwind, and Thakar Singh, of Thatian.

Teja Singh mentions him at Khairon, Dhun and the riverside, and as in the Sarhali *Thana* attempt. Ganda Singh *Nihang* mentions him in the same connection and as going on to Ferozepore.

Thakar Singh, *re* Khairon and Sarhali; and Sultan Shah in respect of the same two incidents.

Accused's statement before us will be found at page 400 of the printed record. He, of course, admits that he was (at the time of his arrest) in the 47th Sikh Regiment and says that his statement to a Magistrate was induced by ill-treatment, Kala Singh, approver, being kept with him. Denying the allegations against him he says that he had previously served for 9 years in the same regiment, and that he has a cousin at the Front.

His only Defence witness was D. W. 457, a Havildar of the 47th Sikhs, who stated that accused had a good character in the regiment for some 9 years.

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Accused's Counsel could only urge that if accused attended the Jhar Sahib he took no active part, and, having been got into the mire by Lal Singh of Bhure, got out of it as soon as he could.

We are of opinion that the accused's guilt is clearly established ; that he early joined the revolutionary movement and took part in the armed array at the Jhar Sahib and thereby committed the offence of waging war under section 121, Indian Penal Code, and we accordingly sentence him to transportation for life, and direct that his property liable to forfeiture be forfeited to the Crown. As he is not an important person, we recommend him to mercy and that the penalty of forfeiture be not enforced.

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15. Ganda Singh, *alias* Sangat Singh, son of Jowala Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 45 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 588), reached India by the *s.s. Kum Sang* on November 11th, 1914.

He was arrested at the Hazur Sahib, Deccan, where (according to the Prosecution) he was passing under a false name. He was arrested in connection with the present case on October 7th, 1915; and his confession to a Magistrate was recorded three days later. We shall also have to consider in regard to him the confessions of several co-accused. He is known throughout this case chiefly as "Ganda Singh *Nihang*."

He was identified on Jail parades by the following approvers and witnesses :—Sundar Singh (W. G.), 15 Jagat Singh of Bhure (who pointed him out), Nawab Khan (as "seen somewhere"), 161, 162 and 183. In Court by Sundar Singh (W. G.), Natha Singh, Kala Singh, 15 (by name and village), 172, 177, 162 (who challenged, said "this appears to be he"), 185, Mula Singh, (as "possibly the *Nihang* who used to visit me at Amritsar"), and Nawab Khan (not by name, but as "seen somewhere").

Approver Amar Singh I failed to identify him in Court; and approver Bhagat Singh in Court wrongly identified him as accused Uttam Singh.

Approver Sundar Singh (W. G.), who says that accused had returned from America and had become a *Nihang*, states that he was introduced to him by Indar Singh of Sur Singh (L. C. C.); and that accused was at Tarn Taran *Masya*, asking the date for a rising. Later, accused with accused Budha Singh, returning from the Jhar Sahib, meets the witness, and tells him that the date for a rising has been altered to November 26th; and accused attends that gathering. He was one of those who went on to the *zamindar* of Dhum. The cross-examination only elicited an assertion that accused was in a different *havilat* at Amritsar.

Approver Natha Singh, who belongs to this accused's village, and was able to identify accused's photograph, *Exh. P.* 23, corroborates that accused was at Tarn Taran *Masya;* where, he says, accused talked *Ghadr*; asked whether accused Budha Singh (mentioned by the previous witness in association with accused) and accused Sadhu Singh had yet done anything; and also said that he had been punished in Hong Kong for smuggling arms, and had returned to India for revolutionary purposes. He showed the witness a dagger (*Exh. P.* 21) and a large knife; and on a later occasion talked *Ghadr* in a foreign language with Budha Singh and Sadhu Singh. On account of the Police, accused and the witness meet at a deserted *haveli* outside Jarmastpur; and a few days later, they visit Lal Singh of Bhure (L. C. C.), whom accused asks about *chavis* and the date for the rising. Some days later the accused tells witness at the witness's *haveli* that accused Sadhu Singh has brought a message that people will assemble for a rising the same night at the Jhar Sahib, and himself starts, armed with the dagger and knife, but learns on the way that the meeting has been postponed. He is at Lal Singh of Bhure's prior to the gathering of November 26th, and attends that gathering. After its dispersal he accompanies the witness to Sarhali Mandan, where he reads out a *Ghadr* pamphlet to those present—that being the first time that the witness had heard it. He is at the Khairon gathering on the 27th, with a dagger, knife and *chavi;* was the person who provided the pencil for writing down names in the Khairon note-book, *Exh. P.* 1; took part in the Sarhali *thana* attempt, and went on to Dhun. Cross-examined (p. 101) the witness says that he has known accused for 15 years; and admits that the accused, on one occasion when he went abroad, left clothes and ornaments with him—which the witness returned without dispute. There has, apparently, been no case between accused and the witness. The witness says that *Exh. P.* 21 is a *Mazhbi* dagger, which could be used for stabbing, not cutting. (This is also said by approver Mul Singh, *Granthi*—namely, that the dagger is of the kind used for religious purposes—but, from its appearance, it could obviously be used as a weapon.)

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Approver Kala Singh corroborates as to accused's visiting the house of Lal Singh of Bhure (L. C. C.), and as to his being at the Jhar Sahib on November 26th, armed with a large knife. He further states that accused made over *Exh. P.* 21. (dagger and sash) to him at Muktsar for *Ghadr* purposes; and it was this witness who made it over to the Police. All that was admitted in cross-examination was that he had seen accused going in and out of the *havilat.*

P. W. 15 Jagat Singh of Bhure helped Lal Singh of his village to carry food to the Jhar Sahib conspirators, and saw accused there. P. W. 172 saw him at Lal Singh's house, and at the Jhar Sahib. P. W. 161 (who came with accused from Hong Kong) and 162 identify him as one of Natha Singh's mob, who fed at Dhun; and so does P. W. 177, the *Mahant* of Chamba, who says accused had "a cane two fingers thick" (possibly the handle of the *chavi*). P. W. 183 saw him with accused Budha Singh at Natha Singh's *haveli;* and P. W. 185 (son of Lal Singh of Bhure) says that accused, and Natha Singh and Budha Singh came to his father's house, and talked sedition, on the way to the Jhar Sahib, and that Kala Singh, approver, turned up also. The accused, he says, had a knife in a leather sheath; and he has identified it as *Exh. P.* 26, which he saw with his father, who told him he had got it from accused. Approver Kala Singh has also-identified *Exh. P.* 26 as a knife he saw with Lal Singh of Bhure.

P. W. 192 (a *lambardar*) states that he learnt of accused's arrival in the village about *Dewali;* and that he asked accused's *lambardar* why no report had been made of the arrival of this returned emigrant. Chanan Singh replied he had not seen him. The witness denies enmity.

P. W. 205 (late a *jamadar* of the Hong Kong Police) states that accused was imprisoned for having arms, and was deported.

Approver Mula Singh states that accused was present at the Virpali *dharmsala* in Amritsar when a discussion took place with Kartar Singh of Soraba (L. C. C.), Nidhan Singh (L. C. C.) and others, about bombs and dacoities, and approver Amar Singh offered to get bomb cases. The witness was told (page 335) that "the *Nihang*" had been imprisoned in Hong Kong for having a pistol. Accused was also present at Sant Gulab Singh's *dharmsala* when the experimental bomb was made, and went with others to test it. He denies ever having seen accused till in Amritsar, and never quarrelled with him.

Approver Amar Singh I, who failed to identify accused before us, nevertheless corroborates that "a *Nihang* with a long black beard" was present at the making and testing of the experimental bomb.

P. W. 346 (Mr. Slattery) states that accused was not noticed on his arrival at Calcutta; but accused has himself admitted that he came by the *Kum Sang.*

P. Ws. 169 (Head-Constable), 191 (*zaildar* of Sur Singh) and 192 (a *lambardar*) testify to the search of accused's house on the 20th March 1915. Accused was not present (not having then been arrested), but we are told that his brother was. The brother, however, did not sign the *fard baramdagi Exh. P.* 99 *A;* but it was signed by the *lambardar* witness. The articles said to have been discovered are *Exhs. P.* 99 B. (suit-case), 99 C (picture), 99 D (photograph), 99 E. (3 pieces of a saw of a hacksaw), 99 F. (an iron punch) and 99 G. (a picture). The *zaildar* says that the pictures were on the wall of a room.

(The photograph *Exh. P.* 23 has written on the back of it—"Sangat Singh, son of Bakshish Singh." We shall see later the statement of accused on the point; but the fact that the father's name appears to have been wrongly given goes to prove the prosecution allegation that accused was passing under a false name.)

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As regards others of the above-mentioned Exhibits, the following remarks may be made :—

Picture P 99 C is a colored scene of a battle in the present war taken from some Japanese illustrated newspaper.

Picture P 99 D is a group of six persons, one of whom is the accused.

P 99 G is a group of Sovereigns of Europe.

None of these is of an incriminating nature.

The co-accused who have mentioned him in their retracted confessions are Kesar Singh, Labh Singh of Waltoha, Teja Singh of Bhikewind and Thakar Singh of Thatian, and in connection with the Jhar Sahib, Khairon, Sarhali attempt and Dhun.

Accused's own confession to a Magistrate commences at page 405 of the record. The portions of it admitted by him before us are marked B, and the portions denied are marked A. It covers several pages of print : is most voluminous in detail ; and all that we need really say about it here is that it affords a most complete corroboration of the statements of approvers. Towards the end of it there is a reference to Kartar Singh of Soraba (L. C. C.) not spoken of by the approvers, which affords very convincing proof that this confession was not the result of tutoring.

Accused, in his statement before us (page 403), says that he was arrested at the Hazur Sahib, Deccan ; but not under a false name, being known in his village as Sangat Singh, and by outsiders as Sangat Singh Nehang Singh. He was admittedly deported from Hong Kong in connection with the possession of a pistol, and says he returned to India on account of the War causing shortage of employment. He never returned to his village, being a *Nihang*, and only admits the portion B of his statement to a Magistrate. He denies the allegations against him, and does not know the Jhar Sahib ; but admits giving the *kirpan, Exh. P.* 21, to approver Kala Singh at Muktesar, because Kala Singh said " he wanted one. " He went to the Hazur Sahib on a pilgrimage, and afterwards was ill-treated by the Police. In reply to supplementary questions (p. 405) he disclaims all knowledge of the exhibits of the No. 99 series, and says the Police have brought them up against him. In his written statement (p. 445) he alleges that he went to Muktesar on November 17th, 1914, and that the Police, Approvers and Prosecution witnesses went about concocting evidence. He makes an assertion that approver Natha Singh and his father refused to give up property worth some Rs. 500 entrusted to them ; in spite of which he, apparently, also handed over a bag to be kept till his return from the Hazur Sahib. No case, apparently, has ever been brought.

The Defence witnesses are D. Ws. 108 to 125, 204, 622, 895 and 896. Of the first group several deny ever having seen accused, and some have not seen him for years. Others say that he wanders about with *fakirs ;* and D. Ws. 110 and 115 say that accused deposited property with Natha Singh, approver. (This, of course, Natha Singh himself admitted.) D. W. 204 only knew accused before he went abroad ; D. W. 622 says accused is religiously inclined ; D. W. 895 gives him a good character, and so does D. W. 896, who says accused became a *Nihang* Sikh and is known to him as " Sangat Singh."

Counsel for the Crown, in view of the above evidence, contented himself with saying that there was a strong case against accused.

As regards the defence argument, we have no hesitation about finding that accused made the whole of his confession, and implicated himself therein. His Counsel has argued that, since accused had been deported, he could not have told approver Natha Singh that he " had returned for revolution." This may have been mere boasting ; and we cannot accept Counsel's view that the expression " a large knife in a bag " means " a *kirpan* (allowed by law) in a sheath." Natha Singh is not the only witness who mentions the " large knife." As regards the point that Natha Singh made no mention of a *chavi* as shown by the printed record, it is entered in the notes of one Commissioner, and is to be

found mentioned at page 12 of the Magistrate's record of the statement of that approver. Finally, his counsel suggested that accused was merely a *sadhu*, who possibly on his travels fell in with some of the conspirators.

That is not our view of the case.

We have no doubt that this man is a religious fanatic, and we are of opinion that it is established that he returned to India with the definite object of waging war ; that he associated with other revolutionists at fairs, was present in the armed array at Jhar-Sahib-Sirhali, and was in possession of arms for the purpose of waging war. There is reason to believe he was also present on the occasion of the experimental bomb at the Virpali *dharmsala* ; and we have no hesitation in finding accused guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life and direct that his property liable to forfeiture be forfeited to the Crown. It is unnecessary to record findings on the other charges.

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16. Ganda Singh, son of Lehna Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 30 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 590), and who is admittedly a connection by marriage of accused Hari Singh of Kakar, says that he came from Shanghai, but cannot recollect the name of the ship. According to P. W. 346 Mr. Slattery, it was possibly the *s.s. Mashima Maru* (the vessel chartered by Nidhan Singh of the L. C. C.) which reached Colombo on the 25th October 1914.

This accused was arrested on the 24th November 1914, and was interned on the 2nd December 1914.

He was identified by none of the witnesses.

P. W. 148 (formerly Sub-Inspector of Lopoke *Thana*) tells us that Sadhu Singh and Kishan Singh, *lambardars* of Kakar, made a report on the 11th November 1914, which the witness passed on. It mentioned this accused and accused Hari Singh of Kakar, and the *exhibits* to be seen are P. 97 A. B.

Exh. P. 97 *B* is the translation: and, according to it, the Narain Singh mentioned hereafter was the father of a *Komagata Maru* passenger, and father-in-law of this accused; and accused and accused Hari Singh were trying to spread sedition in the village, advocating the cause of Germany, and jail-breaking, and so forth. It mentions the name of Fauja Singh and Dipu, &c., as people who were being plied with these doctrines. It mentions that both accused said they had arms.

The witness was unable to find either of these accused at the time; but both were arrested on November 24th, 1914, in Kakar. Proceedings under section 109, Criminal Procedure Code, were started, but were cancelled, and the accused interned. As long afterwards as May 31st, 1915, the pistol, *Exh. P.* 98, was found in a pond some 8 yards behind the house which had been occupied by these accused, and was made over to the witness by Risaldar Sant Singh who died a few days before this witness made his statement to us. Cross-examined, this witness said that he knew of no ill-feeling in the village due to accused Hari Singh's purchasing land there; nor that Sub-Registrar Sadhu Singh, who effected accused's arrest, had a reversionary interest in such land. He admitted that the witness Fauja Singh's statement was only recorded after arrest of the accused.

P. W. 149 is Fauja Singh. He knew Hari Singh of his village, but not this accused until he came there; and he says that both these persons talked sedition at the shop of Jaganath (produced as a Defence witness), and said that "Sikhs should be ready at the *Masya*." Teja Singh, Dalip Singh and others were present; and the witness told the 2 *lambardars* who made the report. He denies allegations of personal enmity with accused; but admittedly could not identify him, and later in his statement made an important modification to the effect that it was "Hari Singh who spoke, *not* this accused."

P. W. 150 corroborates, saying that Fauja Singh, witness, was one of those present; and he says that Hari Singh "was the chief lecturer, but accused talked a little." Cross-examined, he (like Fauja Singh) denied reasons for enmity with accused's father-in-law, one Narain Singh. This witness also said finally that he could not identify this accused. P. W. 188 (cross-examined) stated definitely that Narain Singh was on bad terms with P. W. Teja Singh.

P. W. 191 (*zaildar* of accused's own villlage Sur Singh) says that accused returned after some 13 years abroad, but only spent one night in his own village.

P. Ws. 207 and 208 are the two *lambardars* who made the report, who state that Fauja Singh, Teja Singh and others reported to them that accused and Hari Singh had talked sedition at Jaganath's shop. Both witnesses, as

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lambardars, have had to recover revenue from accused's father-in-law Narain Singh by legal process. P. W. 209 is the person who actually found the pistol in the *chappar*; but he admits cross-cases 2 years ago with accused's father-in-law.

Accused's statement will be found at page 411 of the record. He says he returned to India on account of the deaths of a brother and a nephew. He, of course, knows nothing about the pistol; and says that he does not even know Jaganath's shop, and only came to Kakar village the night before he was arrested.

His Defence witnesses are D. Ws. 497 to 501 inclusive; of whom D. W. 500 is the aforesaid Narain Singh. The first of these witnesses tells us that accused's brother died and his father-in-law sent for him to look after the land. He says that accused, after his return, spent a fortnight in his own village without talking seditiously, and then went to Kakar. D. W. 499 says, to fetch his wife. D. W. 501 corroborates this last assertion; as, of course, does Narain Singh, who supports the story of enmity on the part of the Kakar villagers owing to his and accused Hari Singh of Kakar's having bought land from a childless proprietor.

In arguments, Counsel for the Crown admitted that the prosecution witnesses favoured accused; and, in our opinion, the case against him is not so strong as the case against accused Hari Singh of Kakar. Admittedly, the discovery of the pistol cannot be pressed against him. His Counsel naturally urges that no one has identified him; and that even Prosecution witnesses favour him; and that P. W. 191 (the *zaildar* of Sur Singh) could not identify him, and belonged to a different *patti*.

It is quite possible that this accused has been bracketed with accused Hari Singh simply because he happened to be his connection by marriage, and living with him; and it is also possible that accused, if he spoke at all at Jaganath's shop, was only endorsing the remarks of Hari Singh with the idea of making himself popular in a strange village. We think there may be a doubt as to his guilt.

Giving him the benefit of doubt, we acquit him.

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18. Gujar Singh, son of Sham Singh, of Bhakna, Police Station Ghiranda, District Amritsar, aged 37 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 754), was acquitted by this Court in the Lahore Conspiracy Case. The charges therein framed against him can be seen from that record; and the concluding remarks of this Court on his individual case in the Judgment ran as follows:—" From the above evidence it appears to us that the only overt act of this accused in connection with a conspiracy seems to be his attending one meeting; and the bulk of the evidence against him concerns matters of which one or other of the approvers became cognizant through some one else. The accused may have had leanings in favour of the conspirators; and it may have been his good fortune that he was interned before he had an opportunity of doing mischief. There is a doubt in his case, though we are certainly not prepared to say that the approvers have concocted their stories against him. We do not think the evidence sufficiently strong for a conviction of this accused of any offence."

After hearing considerable arguments of Counsel on both sides, this Court passed the Order on page 754 (one Commissioner dissenting) :—" After careful consideration of the law applicable to the case, the majority of the Commissioners is of opinion that the accused Gujar Singh (18) should be charged. If it be considered necessary later, a detailed order, giving reasons, will be placed on the record. The accused is accordingly charged." This Order was dated the 18th February 1916. Our detailed order is now given at the end of this case.

This accused, who admittedly belongs to the same village as the important accused in the Lahore Conspiracy Case, Bhai Sohan Singh, is alleged to have brought a revolutionary party from Shanghai *viâ* Hong Kong; and to have reached Calcutta by the *Nam Sang* on the 13th October 1914. He admittedly arrived on that date; but says he cannot remember the name of his ship. The allegations regarding him and his "party" will be found in the complaint at pages 11, 16, 17 and 27 of the printed record of the present case.

The accused was interned in Hissar Jail on 18th November 1914. We shall also have to consider with regard to him the confessions of certain co-accused.

He was identified as follows :—On jail parade by approver Sundar Singh (W. G.); and in Court by that approver and P. W. 185 (son of Lal Singh of Bhure of the L. C. C.). Also by approvers Mula Singh and Amar Singh, I; both of whom, no doubt, saw him at his last trial. Approver Kala Singh failed to identify him in Court; and gave as the reason that accused's "appearance was different."

Approver Sundar Singh (W. G.) has a lengthy story about him, which runs as follows :—The accused, a sepoy in the Municipal Police at Shanghai, collected and sent to the notorious Har Dyal 100 dollars; and early in 1914 (so the witness *heard*) arranged for a supply of *Ghadr* newspapers through a Japanese firm, which he distributed. He gives Gurdit Singh of *Komagata Maru* fame 100 dollars; and was instrumental in twice getting Buta Singh (Secretary of the Shanghai *Gurdwara* Committee) beaten for objecting to the sending to Gurdit Singh of 500 dollars of the *Gurdwara* funds. The accused reads out letters received by accused Karm Chand, Kohli, from Gurdit Singh; and in May of 1914 is dismissed from the Police, because a letter from Bhagwan Singh (the revolutionist deported from Canada) has been found in his possession. In July 1914 he reads out a letter *re* the return of Indians from America for a revolution; preaches sedition and tells men to resign their posts; and says that Karm Chand, Kohli, has received a letter from Sohan Singh (L. C. C.) of his (accused's) village to the effect that Sohan Singh is returning from America to raise a rebellion.

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It is a point to notice here that there is nothing to show that this accused himself, though of Sohan Singh's village, was in touch with him. Or, are we to suppose that accused wished to safeguard himself by attributing receipt of that letter (which he is not said to have read out) to Karm Chand, Kohli?

To continue the witness' recital:—During July 1914 the accused tells the witness that accused 85 Sundar Singh of Doulu Nangal and the notorious "Dr." Mathra Singh have arrived from Hong Kong; and urges the witness to resign and go with them to India. The witness, accused and Sundar Singh of Doulu Nangal live with accused Balwant Singh, absconder; and they and others take an oath on the *Granth Sahib* to devote themselves to the *Ghadr* cause, for the funds of which accused Jindar Singh (a Police constable) gives 20 dollars to this accused. Accused then tells the witness, Balwant Singh, absconder, and accused Suja Singh to go to Hong Kong with "Dr." Mathra Singh's "party," saying that he and Sundar Singh of Doulu Nangal will follow after getting arms; and he makes over a bundle of *Ghadr* papers to Mathra Singh to distribute to policemen and watchmen. On the 13th October 1914 the witness finds accused, who had followed by another boat from Shanghai with some 40 persons, including the aforesaid Sohan Singh (L. C. C.), at Howrah station with a "party." He tells the witness of Sohan Singh's arrest, and that Sohan Singh had in Japan supplied the *Komagata Maru* passengers with pistols (these pistols were mentioned in connection with Sohan Singh in the last case by approver Nawab Khan; but, how did this approver come to hear of them, unless in the manner he alleges?). To continue, accused tells the witness to be at the Amritsar Clock Tower at *Dewali* time; and is himself removed from the train at Ludhiana by the Police with others who had not tickets for Amritsar. He, however, turns up there with a party of men about October 17th at Nanak Singh's *chaubara*; issues orders that, to avoid discovery, there shall be no disturbance at *Dewali* time; offers monetary help, and says that people will be told what to do after the *Dewali*, and meanwhile people should be ready for a rising and spread the news about the "*Komagata Maru*" passengers. After the *Dewali* fair, accused sends men to their homes; saying that no date has yet been fixed and that their numbers are few, and that he himself will issue instructions to the men on the Khasa side of the Manjha, whilst accused Wisakha Singh will inform men of the Patti side of the date for a rising. About the end of October 1914, the witness and Harnam Singh of Sialkot (L. C. C.) fetch accused to Khasa station, where accused says that no date has been fixed; but that, as a "committee" will meet next day, his visitors should not attend the Nankana fair. He further says that he has given Lal Singh of Bhure Rs. 50 for *chavis*, and will send Rs. 50 more. At the Nankana fair (to which the witness goes, after all) the witness tells a "left-handed *Mona* leader" (presumably, approver Amar Singh, who is a (*vide* page 78) *Mona*, and whose *pagri* is tied in a left-handed manner) to meet this accused at Khasa to fix a date for the rising. (The statement of Amar Singh, I, approver should be compared on this point,—*vide* towards the bottom of page 346. He does not actually say he went to Khasa to meet this accused, though he says on page 347 that accused's station is Khasa, but his statement is clearly corroborative of approver Sundar Singh (W. G.) on this point, when he says "I went to Nankana Sahib ..... and met Sundar Singh, W. G., and others. Sundar Singh told me to meet him at Khasa station on the 6th for *Ghadr* work. On the 6th, I and Parmanand of Jhansi (L. C. C.) went to Khasa, but did not find Sundar Singh ..... and I went to Phagwara." As we shall see from Amar Singh's statement, he first met this accused at a Phagwara meeting).

To continue approver Sundar Singh's statement:—A few days after the Nankana fair, the witness meets this accused in company with the well-known revolutionaries Jagat Ram and Kartar Singh (L. C. C.); and the accused tells him that his companions can make bombs and aeroplanes, and

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are going to Bengal for arms, intending to return to some small station. [This witness identified both Kartar Singh and Jagat Ram in the condemned cells at Lahore Central Jail.] Accused tells the witness that accused Sundar Singh of Doulu Nangal will be at the Beas station to receive the men bringing arms. He sends the witness to Lal Singh of Bhure (L. C. C.) to see if *chavis* are ready; and is named to the witness by accused Sundar Singh of Doulu Nangal as one of a "committee" which fixed the date for a rising as November 15th. On the day of the Tarn Taran *Masya* the witness hears that accused has been arrested the night before near the old Leper House. Now, this is a very lengthy and detailed statement; and, as we shall see, there is evidence in corroboration of different portions of it. The cross-examination was rather meagre, and is to the following effect. The witness says that he does not know whether this accused knows English; but he does know *Gurmukhi*. He only heard accused refer to 2 letters from America. He was actually present when accused collected the 100 dollars; but, as regards their despatch to Hardyal, he only heard of this from accused. He heard accused deliver lectures in a garden and elsewhere. "Doctor Mathra Singh's" and Sundar Singh of Doulu Nangal's "parties" (he says) were sub-divisions of this accused's "party." He denies that he ever tried for the post of *Granthi* at Yangtsebu or Shanghai; admits that he was invited to oppose the candidature of one Rur Singh; but says that accused did not oppose him (the witness) and was not even there at the time. He asserts that he was actually in his *Thana* (the witness himself, like accused, was in the Shanghai Municipal Police) when Bhagwan Singh's communication arrived for accused, *i.e.*, the one which, according to the witness, led to accused's dismissal from the Police Force.

Approver Natha Singh states that accused Budha Singh and Channan Singh (since hanged) named accused as one of the Amritsar *Dewali* "committee;" and says further that Jagat Singh (L. C. C.) told him that accused was expecting pistols from China, and that the witness should get one "first of all." Further, that accused Budha Singh and accused Sadhu Singh named this accused as one of the principal men for the proposed *Masya* meeting. This approver was not cross-examined for accused.

Approver Kala Singh first meets accused with 2 others at the Jhar Sahib, where accused reads out a *Ghadr* paper and preaches. The witness certainly failed to identify this accused in Court (saying, "his appearance was different"); but he says that Lal Singh of Bhure introduced accused to him as a "leader of the Khalsa," and that accused asked Lal Singh to take delivery at Khasa station of a sack of *makhi* containing pistols; and made enquiries from him about *chavis* and *gandassas*, giving him Rs. 50 (compare approver Sundar Singh's statement *re* the Rs. 50 given to Lal Singh). Cross-examined, the witness says that he only saw this accused on that one occasion (presumably that is why he failed to identify him); and that no railway receipt was then made over to him or to Lal Singh.

P. W. 138 (a *Lambardar*) says that accused, after his return from abroad, was more often out of his village than in it, during 1½ months. He did not report accused's absence, as he belongs to a different *patti*; and has no enmity with him. He admits having given evidence against one Labh Singh, who was imprisoned.

P. W. 184 (Suba Singh of Munda) states that he knew accused in Shanghai, where he was a good worker; but got *Ghadr* ideas. The accused began to get papers from America, collect money and stir up people; and was dismissed from the Police. He denies that the accused was expelled from the *gurdwara* for drunkenness, or complained against him about an assault on a Chinaman.

P. W. 185 is the son of Lal Singh of Bhure; he is the nephew of accused Balwant Singh, absconder (with whom the approver Sundar Singh alleges that he lived at one time in Shanghai, along with this accused). There

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would, therefore, be nothing peculiar about this accused's visiting Lal Singh of Bhure's house; but the witness says that this accused, on 3 occasions (once, just after *Dewali*, with Balwant Singh, and once with Channan Singh, one of the Walla Bridge murderers) came to Lal Singh's, and read out the *Ghadr* newspaper. On one occasion accused said he was expecting a consignment of pistols. Cross-examined, he merely said that he had not seen accused at Lahore; and that accused did not come after the *Masya* (presumably, because he had been arrested).

Approver Mula Singh (who, of course, saw this accused in the last case) says that Lal Singh of Bhure told him at the *Masya* fair at Tarn Taran that accused had collected a number of men, but had been arrested; and also, that accused and Kartar Singh of Soraba and Nidhan Singh (L. C. C.) had been arranging for arms, but had not supplied them. (Sundar Singh, approver, of course, mentioned Kartar Singh and Jagat Ram in this connection; but we do know from other evidence that Kartar Singh (L. C. C.) did unsuccessfully visit Bengal to get arms.)

In cross-examination, Mula Singh says that he does not remember whether he stated in the last case that accused collected men (and we can find no note of it), but it is true that in the last case this approver stated "I was perhaps told by Lal Singh" that accused had promised arms.

Approver Amar Singh, I, states that he first met accused at a Phagwara meeting when Jagat Ram, Nidhan Singh (both of L. C. C.) and others were present; but he is wrong in putting the date of this meeting as November the 22nd or 23rd. The latter date is that of a Jhar Sahib meeting; but, as we decided in the last case (and we still adhere to that opinion), the date of that Phagwara meeting was November 12th, and was the one mentioned by us in our remarks in our last judgment *re* this accused, which remarks we have quoted now. Approver Amar Singh, I, tells us that at that meeting Jagat Ram told that meeting that Kartar Singh (L. C. C.) and Parmanand of Jhansi (L. C. C.) had gone to Calcutta for arms; and that accused was to await Kartar Singh's arrival at Mian Mir. The witness further states that later on, at the "Hindu Hotel," Lahore, Kartar Singh (L. C. C.) said that accused should be informed of the failure of the Mian Mir scheme; but it was found that accused had already been arrested.

Approver Nawab Khan states that, at the Ladowal meeting of November 17th Kartar Singh (L. C. C.) said that this accused was preparing bombs; and sent Jagat Ram (L. C. C.) to find out why this accused had not attended that meeting. Further, that at the Moga meeting of November 19th, 1914, the same Kartar Singh said that he had failed to meet accused, who had 1100 men (we know that the revolutionists were given to exaggerating their numbers; and we must also bear in mind that this accused was interned on the 18th of November). We can find nothing of any value to this accused elicited in cross-examination of this approver.

The accused is mentioned in the confessions of four co-accused.

Bogh Singh (accused 5) stated accused came to the Jhar Sahib 12 days after *Diwali* with Lal Singh of Bhure and another person, where revolution was discussed the principal part being taken by Lal Singh.

Kesar Singh (accused 45) stated that accused and Hari Singh (accused) started urging men in Shanghai to return to India for mutiny and recited the *Ghadr* there and were instrumental in thrashing one Buta Singh who tried to stop them.

On Sohan Singh's arrival (he stated) Gujar Singh and others influenced by his teaching left for India.

Kesar Singh followed by the *Mashima Maru*, but has not mentioned seeing Gujar Singh in India.

Teja Singh (accused 90) also stated that in Shanghai accused urged people to return to India to free the land and kill the English, and paid the confessing accused's fare to India. He sailed on the same ship as accused and travelled

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up-country from Calcutta to Amritsar with him. He was told in Amritsar by Sundar Singh (W. G.), he was going to meet Gujar Singh at Khasa to fix a date and he accompanied him there, where Sundar Singh and Gujar Singh had a consultation.

Thakar Singh (accused 93) referred to Gujar Singh leaving Shanghai for India with others, and at Hong Kong accused and Sohan Singh (L. C. C.) offered to pay his and others' fares, provided that on return to India they would do what they were told.

The confessing accused accepted the offer and sailed with Sohan Singh and Gujar Singh. *En route Ghadr* was discussed, and articles from the *Ghadr* paper read out, in which Gujar Singh took a prominent part; the sum and substance of these harangues being the overthrow of the British Government and the indiscriminate murder of Englishmen. He travelled up-country with Gujar Singh from Calcutta, and at Amritsar he enquired from Gujar Singh if he might go to his village and was directed to take orders from Wasakha Singh (accused).

The accused's statement and supplementary statement will be found on pages 411 and 824 of the record.

He admits returning home by the *Nam Sang* as he was out of employment, but denies all the allegations made against him by the prosecution witnesses. He admits being dismissed from the Shanghai Police, but he says it was on account of indolence, and admits his arrest on the day before the *Masya*.

He states that Sundar Singh (W. G) is on terms of enmity because he opposed his candidature for the Mahantship of the Shanghai *Gurdwara*, and says Channan Singh identifies him because he saw him when interviewing his father Lal Singh in Jail during the previous case.

He also urges that, though frequently searched on the way home, nothing incriminating was found on him. He also asserts Suba Singh is on terms of enmity with him, and accuses the Police of suborning evidence.

He has produced 27 witnesses in defence. Of these witnesses D.W. 984 to 997 inclusive merely depose that, on return to India, accused came to his village, was never visited by emigrants, and attended a *bhog* the day before *Masya*.

D. W. 998-99 say he is of good character and got men to recruit; when, however, is not made clear.

D. W. 1008, 1010-13, 1015-16 and 1034 depose that accused and Suba Singh witness had a violent quarrel in the Shanghai *Gurdwara*, and later over a prostitute, and deny that accused ever propagated sedition in Shanghai, and also that accused opposed Sundar Singh's candidature as a *mahant*.

D. W. 1009, Deputy Jailor, merely says that Chanan Singh interviewed his father in Jail on the same day that accused saw one Sham Singh, but has no knowledge if they met.

D. W. 1013 denies there was any *Ghadr* lecturing on the *Nam Sang*; so, too, do D. W. 1014 and 1034.

Counsel for accused urges the plea of *autrefois acquit*, which we will deal with later and asks why his client is charged with waging war now, when he was only charged with abetting before, forgetting that there is much new evidence now against him, and also that there is no real difference in the ultimate result, and that acts of war committed during a war are equally acts of abetment in aid.

He urges also many legal objections to the charge of "waging war" which we have already sufficiently dealt with in Part III. On the particular case he lays emphasis on Sundar Singh, W. G.'s alleged enmity, but Sundar Singh is not the only witness; and asserts P. W. 184 is an enemy, and that there is practically no identification by any other witnesses.

He also says that Bogh Singh's confession only mentions a Gujar Singh as being at the Jhar Sahib, which is correct; but we have never heard of any other in the case, and there are other witnesses as to his going there. True, Kala Singh fails to identify him, but Channan Singh does.

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He urges that P. W. 138 has improved on his statement in the last case, but the so-called improvement is infinitesimal and of no import.

He also urges that Gujar Singh could not have been a leader in Shanghai as Jawala Singh, Balwant Singh, Sahib Singh and Hari Singh do not mention him; but it is not clear they ever had any opportunity of meeting. No doubt the real leader of the *Nam Sang* party was Sohan Singh of the accused's own village, but the argument that the witness Sundar Singh W. G. was induced by the Police to implicate him because he was acquitted in the first case has no ground for Sundar Singh implicating him even on 18th July; and our order of acquittal was on the 13th September.

The final contention is that Natha Singh does not mention him as being at the Jhar Sahib, as he should have done.

To this the Government Advocate's reply is convincing, *viz.*, accused was under arrest when Natha Singh went there, and no one ever alleges accused was in the Jhar Sahib-Sarhali affair.

The Government Advocates ask us for the death penalty as he was an active seducer and leader.

We are in entire agreement on the facts.

We are satisfied that accused took an active part in seducing people in Shanghai and Hong Kong and in organizing there a *Ghadr* party; and if not the most prominent organizer of the *Nam Sang* gang helped considerably in getting that array together and leading them to India, and became on arrival in India a sort of gang-leader, whose activities were cut short by an early arrest.

He arranged for arms, and kept men in touch for the expected revolution in India; and did what he could in the short time he was at liberty to fan the fire of revolt.

Though he is of some importance, we do not regard him as quite so serious as the Government Advocate does, and we are of opinion he is guilty under section 121, Indian Penal Code, for waging and abetting the waging of war.

Before arriving at the sentence, we have to note that we are not in agreement as to whether the plea of *autrefois acquit* is valid.

One of us, Rai Bahadur Pandit Sheo Narain, thinks the plea valid; the rest of us disagree with him. The opinion of the majority must prevail.

We give here the separate opinions of the minority and majority.

Opinion of Rai Bahadur Pandit Sheo Narain.

The accused No. 18 in this case was No. 19 in the Lahore Conspiracy Case. He was charged in that case, firstly, under section 121, Indian Penal Code, for abetment of waging war against the King-Emperor on or about the 23rd of November 1914, at Phagwara, and "till interned;" secondly, that he at the said time and place, and subsequently, conspired to wage war against the King-Emperor, abetted the commission of mutiny by His Majesty's soldiers, and attempted to seduce certain Indian soldiers at various places. For these acts he was charged under sections 121-A, 131 and 132. Thirdly, he was charged under sections 122-109, 124A-109, 302-109, 395 – 397, 398, 109 by reason of the printing and circulation of seditious literature, collection of men, money, arms, munitions, bombs and chemicals for bombs, manufacture of bombs, commission of dacoities, some accompanied with murder, and the murder of Masum Ali Shah, Head constable. These acts were not alleged to have been done by him, but by other conspirators; he was charged for them as a conspirator responsible for the actions of other conspirators. The accused was acquitted by this Court on the 13th September 1915. He is again prosecuted along with several others in the present case, in which the complaint covers the same sections of the Indian Penal that he was charged with in the former case.

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At the very outset a plea of *autrefois acquit* was urged on his behalf by his Council, Mr. Mukand Lal, Puri. The decision of it was deferred till this Court had heard all the evidence which the prosecution proposed to call against him. This evidence having been examined, the arguments of Counsel were heard. It has been argued by the learned Counsel for the Defence, that the test by which the question whether such a plea is a sufficient bar in a particular case is, whether the evidence necessary to support the second indictment would have been sufficient to procure a conviction upon the first; and that a trial is said to be upon the same facts if the evidence in the first trial would support a conviction for the offence charged in the second. Authorities noted in the margin have been cited. The learned Government Advocate's reply was that the rule above stated is correct; but that it is inapplicable to the facts of the present case, inasmuch as count No. 1 of the charges in the first case related to a specific meeting, and to anything that the accused did, till he was interned. According to him, the acquittal of the accused on that charge is no bar if the prosecution can establish such other acts of the accused prior to the Phagwara meeting (which the Government Advocate in the former case admitted to have been held on the 12th of November instead of the 23rd or 24th) which may amount to an offence or offences in law; that if it be conceded that the accused is liable to be tried for commission of any offence committed by him subsequent to the trial, there exists no logical reason why he should not be charged for commission of offences committed prior to the acts charged in the former charge. In other words, the argument briefly put is, that if certain individual acts amount to offences, and a man is charged for only one of them, he can be charged again for the others, no matter whether they happen to be before or after the time stated in the former charge; and that the protection afforded by section 403, Criminal Procedure Code, can only be availed of if the offences are identical arising out of the same facts, subject to the qualifications given in clauses 2, 3, and 4 to that section. The Government Advocate refers to the proof of certain acts of the accused prior to 12th of November as constituting distinct offences, with the commission of which, according to him, the accused was never charged at the former trial.

Russel on Crimes, V. Edition, page 42; Kenny's Criminal Law, page 470; Sohni's Criminal Procedure Code, 934; Swanthan's Criminal Procedure Code, 665.

It is assumed for the present argument that the fresh evidence produced proves the acts alleged; and on that basis the learned Counsel for the Defence has rejoined that count No. 2 and count No. 3 of the former charge can under, no circumstances be re-framed against the accused. With regard to the chargeability of the accused a second time under section 121, Indian Penal Code his argument is, that the offence or offences now sought to be charged were covered by count No. 1 of the former charge; inasmuch as all the traceable actions of the accused from the moment of the conception of a conspiracy to wage war, which was born in America, up to the date of his internment, were all before the Court in the former trial; and that if the prosecution had not possession or knowledge of necessary evidence to prove all the intermediate acts of the accused, and could only lay hold of one fact, *i.e.*, his participation in a particular meeting at Phagwara, or if the evidence adduced fell short of proving any other acts in the series, or were unable to link the Phagwara meeting with other antecedent conferences or meeting to wage war, it does not follow that the Phagwara meeting was in any way separate from the general movement. The evidence now called, if it had been then before the Court, would have rendered the accused guilty of either actual waging war, or abetment of, or attempt to wage war.

I have given the question my anxious consideration; the more so because, if I err in holding that he can be tried again, the accused cannot get the error corrected nor be able to seek relief in any other way than by way of clemency from the Crown. In a case reported in 25 Allahabad Weekly Notes 238-2, Criminal Law Journal, 790, the facts were that in proof of his allegation the accused had tendered in evidence in connection with one transaction 6 bonds alleged to be forgeries. He was charged with the forgery of one, and was acquitted. He was sought to be charged subsequently, with the forgery of another of them. Although the High Court

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held that he could be charged for forging the second, yet it interfered on the revision side and quashed the proceedings in the interests of Justice. This advantage the accused cannot enjoy in the present case. Consequently, if there be any doubts on the subject, I would incline towards giving the accused the benefit of it.

The question is not free from difficulty, but after all the consideration that I have been able to give to it, my conclusion is that the plea ought to prevail.

Turning to the part of the Judgment dealing with the accused in the former case, I find that Amar Singh, approver, is stated to have said that at a Moga meeting Kartar Singh, one of the conspirators, named the accused as one who was "ready to help." The statement of Kartar Singh to Amar Singh (admissible under section 10, Evidence Act) was meant to prove the readiness of the accused to assist in the prosecution of the war. Amar Singh further stated that he and Kartar Singh went to accused's village, but did not find him there; and that Nidhan Singh was deputed from the Mullanpur-Buddowal meeting, to inform the accused of the plan of attack.

Mula Singh, another approver, is stated to have said that he learnt from Lal Singh (L. C. C.) and Jaggat Singh (L. C. C.) that the accused had promised arms.

The third approver, Nawab Khan, who, however, could not identify him in Court, said that he was told by Kartar Singh (evidence admissible under section 10) that the accused had charge of some bombs.

The Court on that evidence gave the benefit of the doubt to the accused, without holding that the approvers had *concocted* their stories against him. Now, applying the test above indicated, there seems to be little or no doubt that, had the evidence now produced been produced in the former case, he would have been charged and convicted under section 121 for either waging of war, which was held in the former Judgment to have commenced in America, and continued on the voyage as well as in India, or for abetment or attempt thereof. The accused was interned on the 18th of November; and no action of his was proved in the former case from the 12th of November up to 18th of November; and none has been proved in the present case.

In the Judgment of the Lahore Conspiracy Case, page 4, the case for the prosecution is thus described :—

"The indictment in brief is, except in the case of Dalip Singh, a local dacoit, that a conspiracy to wage war and overthrow the British Government in India was formed in America in May 1913; and a number of Indians returned to India with that intent in 1914. In India several recruits to the organization were added. In carrying out the objects of the conspiracy, *inter alia*, dacoities, sometimes with murder, were committed in order to obtain money wherewith to purchase arms; attempts, sometimes successful, to seduce troops were made; arms and ammunition procured, bombs manufactured, police officers murdered; and revolutionary literature was circulated in America, *en route* to India, and in India after arrival."

The complaint in the present case is in substance, if not identically, the same, though some ramifications of the conspiracy are described in greater detail. In the present complaint the case of the present accused, though not exhaustively, is summarized thus :—

"At Shanghai was in communication with the leaders of the conspiracy in America. Was leader of a party who left Shanghai for India for purposes of the conspiracy. Was in the assembly at Amritsar and instructed conspirators present. Ordered a large number of *chhavis* to be made. Read the *Ghadr* at Jhar Sahib. Attended a meeting of conspirators at Phagwara and took a very active part till he was interned on the 18th November and was thereafter unable to take further action in the conspiracy."

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Now, if we treat the various acts of the accused, as disclosed by the present evidence (some of which will be mentioned later by way of illustration) as individual offences disassociated from the general scheme of waging war, every one of them would have come at least under one or more offences, specified either in count No. 2 or 3 of the former charge. Consequently, had the present evidence been forthcoming at the first trial, the accused would have been convicted under counts 2 or 3, or both, of the charge in that case. If, however, we take all of them cumulatively as a series in waging war or links in the chain; in other words, parts of the same transaction; the accused would have been convicted under section 121 either for waging war or abetment or attempt thereof. Although he was charged for abetment of waging war, it was well within the jurisdiction of the Tribunal, on the same charge of abetment of waging war, to convict him of attempt or actual waging of war, provided it came to the conclusion on the evidence that waging war, or attempt to wage war was established. The attempt, the abetment and the actual waging are on a par in section 121; and, being cognate to each other, I am inclined to the view that on a charge of abetment, which is not a lesser offence by any means, the accused could have been convicted for actual waging war or attempt thereof, *c.f.* the words of clause (2) of section 6 of the Defence of India Act, and section 237, clause (2), Criminal Procedure Code.

Now, waging war may consist of one act complete in itself; or several acts when taken individually as isolated acts not amounting to waging war, but when taken together may constitute waging war.

Let us examine some of the acts of the accused as disclosed in the present evidence; and view them as distinct acts. The remittance of 100 dollars to Har Dyal may well come within the words "otherwise prepares to wage war" under section 122; the arrangement for the distribution of the *Ghadr* newspaper and the recitations from it can come under section 124A; urging men to resign their posts, and swearing by the *Granth* to do *ghadr* can come under section 121A; promises of monetary help may be preparation for waging war; ordering arms would come under section 122; deputing another conspirator to receive arms at a particular place could come under section 122; similarly, being detailed to receive arms from another conspirator would come under section 122; urging a particular person or persons to go to India and do the waging of war may be part of a conspiracy, under section 121A. It may also amount to abetment to wage war under section 121.

The above are some of the instances of individual acts, which, if taken singly, and shorn of their antecedents or inter-connection, would not amount to waging war under section 121; some may amount to abetment of waging war, but these acts, when taken together, may prove that the accused was a conspirator in the original conspiracy which, later, developed into actual perpetration of an offence under section 121. If, therefore, the present accused by reason of any act now disclosed had abetted the waging of war, he has been acquitted of it; though his participation in a specific meeting was the only act the prosecution could then discover. If he was guilty by reason of any act now disclosed of actual waging of war, he could have been convicted of it at the former trial, though he was charged only for abetment.

I confess I have not appreciated the argument that if a man indulges in waging war and does several acts in course of it, every act of his towards the prosecution of it, is in itself a separate offence of waging war and separately punishable under section 121, whenever that act is discovered, though he has been convicted or acquitted with reference to some of his acts in a series. Take, for instance, the following hypothetical case:—

'A' makes up his mind to wage war against the King-Emperor. He collects men, materials and all the sinews of war with that object and begins his campaign. First, he demolishes a Court of Justice; then he

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liberates prisoners from a jail; then loots a treasury; next sets fire to some barracks, or steals munitions. Can it be reasonably argued that he has committed waging war six times over by reason of each of the above facts? I should think not. He has committed, according to my view, waging of war; and every act that he has committed is one of the series in the same transaction; although each individual act is also punishable under some other sections of the Penal Code. He could, therefore, be charged for waging war, if they be taken as part and parcel of one transaction; as well as for offences under other sections, according as each individual act, as separate and divested of inter-connection, comes under some section.

As already observed, the accused could have been convicted, either for waging war or abetment of waging war or attempt at waging war; or under counts 2 or 3, or both, of the former charge, had the acts of the accused, now disclosed in the evidence, been proved at the former trial. I am afraid, were I to adopt the learned Government Advocate's argument in all its logical conclusions, the result would be that I should have to hold that every act now sought to be proved amounts to an offence under section 121; and that if any one of these acts perchance happens to be omitted from the charge in the present case, the accused could be charged over again yet a third time for it—a state of things hardly contemplated by the legislature or consonant with Justice.

Let us now examine section 403 a little more carefully in the light of criminal procedure in England.

The literature in India on the subject is very scanty. There are a few cases, which on examination do not exactly deal with the point under discussion. Mr. Petman referred to a case noted in Mr. Swanadhan's Edition of the Criminal Procedure. It is reported as 7 Sutherland Weekly Reporter, (Cr.) page 15. The facts in that case were:—Two *pattahs* were produced by a party, which were alleged to be forgeries, and the charge related to one of them, on which the accused was acquitted, though both of the documents were dealt with together, and evidence was adduced as if both were the subject of the charge. The accused was charged again as to the second document. Mr. Justice Markby and Kemp J. differed; while the Chief Justice, Sir Barnes Peacock, agreed with Kemp J. that the mistake of the prosecution in mixing up the two did not affect the rule of law, which did not allow acquittal in respect of one document to operate as a bar to the trial of the accused in regard to the second.

I have consulted Archbold's Criminal Pleading, 24th Edition, page 177, where all the English cases on the point are collected. To my mind, they afford no guide; as there is not in them any case of waging war.

I quote, however, the following general principle from Halsbury's "Laws of England." It is:—

"Whether the Defendant has previously been in jeopardy in respect of the charge on which he is arraigned; for the rule of law is that a person must not be put in peril for the same offence." (Halsbury IX, page 355.)

As a matter of fact, the system of indictments in England is materially different from what the Indian Statute lays down. Take, for instance, an English case:—

An acquittal on an indictment for breaking into and entering a dwelling house, and stealing there, is not a bar to an indictment on the same facts, for breaking into and entering a dwelling-house, with intent to steal; R. V. Vandercomb, 2 Leach 708. Bearing the terms of section 403, Criminal Procedure Code, in mind, it need hardly be said that this statement of the English Law is not one which can be followed in India. Notwithstanding the peculiar system of criminal pleading in England, the rule there too is:—

"If there is a variance between the former record and the present indictment in the description of the offence, it may be made good by evidence showing that *in substance* the evidence necessary to support the present

indictment would have been sufficient to convict the prisoner upon the former." Archbold page 181. The italics are mine.

In India, we have to take section 403 for our guide, which runs thus :—

"Section 403. (1 A person who has once been tried by a Court of competent jurisdiction for an offenee, and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which he might have been convicted under section 237."

To the above, three exceptions are added : namely, clause (2) which deals with liability to be tried again when a separate charge could have been framed under section 135 (I) ; clause (3) which deals with an offence developing into a different offence by reason of subsequent consequences ; clause (4) deals with cases where the subsequent charge was for want of jurisdiction not triable by the former trial Judge.

Suppose the accused were to be charged again in the present case, the counts of charge, omitting details, would be somewhat like the following :—

(I) (*a*) That you did certain acts at Shanghai, in the summer of 1914 ;

(*b*) That you did certain acts on the voyage to India, before the 12th of November 1914 ;

(*c*) That you did certain acts in India (at Calcutta, Amritsar, Bhure and the Jhar Sahib) before the 12th of November 1914 ;

all of which amount to waging war, or abetment of waging war, or attempt thereof, and that you thereby committed the offence of waging war, or attempting to wage war, or abetment of waging war, punishable under section 121, Indian Penal Code.

(II) That you conspired to wage war at the same times and places mentioned in count (1) ; and are guilty under section 121A.

In the charge at the former trial the words "till interned" are clear enough to indicate that that was the *terminus ad quem* of the acts of the accused ; though the charge does not specify the *terminus a quo*, namely, the commencement of the campaign. Considering the complaint and evidence in the former trial and the charge, I am of opinion that the accused was in jeopardy for all his acts, commencing from the inception of the conspiracy and up to the time of his internment ; and that the accused being acquitted in respect of all his acts that the prosecution could then lay hold of, he cannot be tried again.

It would be doing violence to section 403, if the accused be charged again in respect of actions which the prosecution were unable to prove at the former trial. It is quite true that to give the benefit of section 403 to the present accused, the identity of the offences must be made out. I am prepared to hold that the offences complained of in the former trial were in substance the same as in the present trial ; and in that respect the quotation from Archbold's Criminal Pleadings cited above is useful to bear in mind.

In addition to the literature placed before us, I have consulted the cases noted in the margin. Most of these are beside the point. The only one of these cases which more nearly approaches the present case is the last ; in which it is held :—

21 Madras 284.
12 Bombay Law Reporter, page 226, 11 Criminal Law Journal 337.
8 Weekly Reporter 181.
17 Bombay Law Reporter 678.
17 Bombay Law Reporter 881.
8 Burmah Law Times 129 28 Indian Cases 156.

"Where a man has been convicted of an offence, and further facts come to light subsequently, which show a major offence, he cannot on that ground alone be put on his trial a second time."

On the whole I consider the plea urged is good ; and, as already remarked by me, even if this were a doubtful case, I would give the benefit of that doubt to the accused. For the foregoing reasons, I would order his discharge.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

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OPINION OF THE MAJORITY.

We have read our learned colleague's judgment and arguments with the greatest care ; and regret we are unable to agree with him.

We do not propose to write a long order, but to put as succinctly as possible what our view of the law is.

We must first join issue with our colleague when he states that the complaint in the present case is substantially identical with the indictment as described on page 4 in our judgment in the Lahore Conspiracy Case. We agree with the description then given, but the present case, especially in regard to the accused, has a very material difference. The case then was that after conspiring a martial array left America for India in 1914, gathering recruits and on arrival in India committed various acts. The case against the present accused is that he organized a martial array in Shanghai, and left for India to wage war, before the movement from America took place ; and further that on arrival in India he arranged a martial array at the Jhar Sahib.

The argument of our colleague briefly is that Gujar Singh, having been charged with the abetment of waging a war (organized by the *Ghadr* party) he cannot be again charged with taking part in such war or abetting it by a totally different series of acts to those formerly charged against him ; and he argues that this is so because the whole of the accused's conduct was under consideration in the last case, and because, had the present facts been in evidence in the last case, he would then have been convicted. Undoubtedly the accused could have been convicted in the last case if these present facts had then been proved, *provided*, and this is the point we think our colleague overlooks, *he had been charged with those acts.*

The argument that the whole of accused's conduct was under consideration in the last case seems to us inaccurate ; what were under consideration were certain specific acts definitely alleged against him in the charge—those and nothing more.

In regard to the legal question, it appears to us to be perfectly plain.

So far as it is relevant for our purposes, section 403, Criminal Procedure Code (which is the only law we are concerned with), provides that "a person who has once been tried . . *for an offence* and . . acquitted of such *offence* shall, while such . . . acquittal remains in force, not be liable to be tried again for the same *offence*."

The word "offence" has a very clearly defined meaning. It is not a section of the Penal Code defining the constituents of a particular offence and determining the punishment therefor, it is not any general "conduct," but it is in the words of section 4 (*o*) "any act or omission made punishable by any law for the time being in force."

If now we substitute for "offence" in section 403 the equivalent words "act punishable by law," and apply that to the facts of our present case, we find that Gujar Singh has been tried and acquitted of the acts punishable by law with which he was charged, *viz.*, the acts of abetting the waging of war and conspiring to wage war done at Phagwara and subsequently till internment.

That being so, there is, in our opinion, clearly no bar to his being charged with other acts of commission, abetment and conspiracy, which were not charged against him on the former trial, and in regard to which he has never been in jeopardy.

A. A. IRVINE,
President, Commissioners.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

The opinion of the majority prevailing, the accused is sentenced under section 121, Indian Penal Code, for abetment of waging war or waging war to transportation for life, and we direct that his property, liable to forfeiture, be forfeited to the Crown.

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19. Harbhajan Singh, son of Fateh Singh, of Chaminda, Police Station Dehlon, District Ludhiana, aged about 15 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 592), is, like accused 10 Dalip Singh, only a youth; and was arrested along with Dalip Singh on October 15th, 1915, at Rampura Phul Station (*vide* P. W. 232).

Certain of the witnesses have referred to him as "Bakhtawar Singh;" and he was identified on Jail parades by the following approvers and witnesses :—Udham Singh of Hans; Anokh Singh; Bhagat Singh; 42 and 43. In Court by Sundar Singh (A. M.—as "seen going to Ferozepore with accused Randhir Singh); Bhagat Singh; Udham Singh of Hans; 27 Indar Singh of Khanna; Anokh Singh; *Mussammat* Nihal Kaur; Teja Singh of Samrala; and 349 (a student, who simply knew him at school as "Bakhtawar Singh").

Approver Sundar Singh of Ase Majre told us no more in Court than that he had seen accused going with Randhir Singh to Ferozepore; but Udham Singh of Hans, *Mussammat* Nihal Kaur and P. W. 46 (a Zaildar of Mohi) state that accused was one of Randhir Singh's party at Mullanpur Station on the 19th February. Udham Singh of Hans further states that accused was one of those at Randhir Singh's house that day; and Bhagat Singh mentioned him as at the reed jungle assembly that night. Udham Singh of Hans, by an obvious slip, omitted his name from the reed jungle assembly before us; though he mentioned him in that connection to the Magistrate. Approver Anokh Singh mentioned him as arriving in Randhir Singh's party at Ferozepore on 19th February; and Bhagat Singh as at Phemi ka Kai Station the next morning.

Bhagat Singh, Udham Singh of Hans and Anokh Singh knew this accused at school; but all three have, in cross-examination, denied having any private grounds for enmity (*vide* pages 204, 213 and 247). Anokh Singh has stated that Randhir Singh gave this accused the *pahul*.

P. W. 43 gives evidence as to the *Granth Sahib* recital at Ram Singh Reservist's house at Gujarwal, at which accused was present—a secret meeting being held after it; and P. W. 27, 40, and 42 testify to accused's presence at the secret seditious meeting at Dhundari, though the last of those witnesses cannot remember whether accused was one of the persons who actually helped to turn him out before the meeting was held with closed doors.

This youth appears, like accused Dalip Singh, to have been one of Randhir Singh's satellites: and in the habit of attending meetings—P. W. Indar Singh of Khanna mentions him as present at the non-seditious *Dewan* at Khanna, for instance.

Accused's statement will be found at page 414; and from it we see that, instead of having the pluck or sense to admit the truth of the allegations against him, he has elected to deny them; and has produced some unconvincing defence evidence. He denies that Randhir Singh gave him the *pahul*; but admits that, before receiving it, he was known as "Bakhtawar Singh." He admits his presence at the Gujarwal and Dhandari *Akhand Paths*; but denies that there was a secret meeting at either place. He says that he was not at Randhir Singh's house on the 19th February: and never went to Ferozepore, being very ill at the time in his village. He admits his arrest along with the co-accused Dalip Singh—on the way to a conference. He alleges enmity with approver Anokh Singh over the theft of the clothes of Kashmira Singh, student; with Bhagat Singh, approver, whose father owed his father money; and he makes out that he (a youth of 15 years, as he alleges) was one of the persons who "punished approver Udham Singh of Hans for misbehaviour" along with one Mangal Singh.

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The defence witnesses are D. W.'s 64 to 69 inclusive; 606, 607; 718 and 939. The first four of these make a clumsy attempt to prove accused's loyalty, and that he had an attack of fever (there is a hint of plague) during February. D. W. 69 is not prepared to support the story of the theft of Kashmira Singh's clothes. D. W. 68 is the father of Bhagat Singh, approver; but unfortunately he talks about owing accused (not accused's father) money. D. W.'s 606 and 607 are equally useless. D. W. 718 is an uncle of accused; testifies to accused's loyalty and to his illness during the *third week of February*; to the time when he took the *pahul*; and winds up by saying (as a further proof of accused's loyalty) that accused got his collateral Narain Singh enlisted in the cavalry four years ago—that is, at a time when accused, on his own showing, must have been 11 or 12 years age! D. W. 939 (produced last of all) is the student Kashmira Singh, who makes an utterly futile attempt to support the story of the stolen clothes. He says he reported to the Headmaster (not produced); and that the clothes were (apparently) returned to his possession through a skylight.

It stands to reason that nonsense of this description cannot upset the prosecution evidence in any way; and the few remarks offered by accused's Counsel in argument quite failed to convince us. The accused, who was obviously one of Randhir Singh's satellites, would have been well-advised simply to plead youth and inexperience.

The case is on a par with that of Dalip Singh (10), and for the same reasons we find him guilty under section 121, Indian Penal Code, of waging war, and sentence him to transportation for life, with a very strong recommendation to mercy on the ground of youth and inexperience.

We further direct that his property liable to forfeiture be forfeited to the Crown, and recommend the remission of this penalty.

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21. Hari Singh, son of Hakim Singh of Baring, Police Station Sadr Jullundur, District Jullundur, aged 37 :—

This accused, who pleaded " Not Guilty" to the charges framed against him (page 593), tells us that he originally returned to India by the *s.s. Canada Maru* from Victoria (British Columbia), and embarked on the 8th June 1914. He is alleged to bear the *aliases* " Udham Singh" and " Kesar Singh ; " and was eventually found interned in Moulmein Jail in Burma under the latter of these *aliases*. He was arrested and interned in Burma during April 1915.

He was identified in Court by approver Bhagat Singh (who could not name him ; but only said that " he thought he had seen him somewhere ") ; and by approver Nawab Khan as " perhaps Udham Singh of Baring." Approver Mula Singh failed to identify him in Court.

P. W. 298 (Hira Singh of Nangal Kalan), who was an approver in the murder case of Chanda Singh, disposed of by this Court, states that approver Nawab Khan visited his brother (the absconding accused Jawand Singh) a year ago in company with accused and Kartar Singh (L. C. C.) and accused 17 Gandha Singh. He knew accused in Canada. Cross-examined, he admitted that he and his brother had been in trouble about some money belonging to the *Gurdwara* at Victoria, of which he was *Granthi* and his brother was Treasurer. He had to make good the loss. Accused at the time was a member of the *Gurdwara* Committee ; and had previously been Secretary.

Approver Mula Singh, who did not identify accused in Court, stated that, about a year before, Indar Singh and Jagat Singh of the Lahore Conspiracy Case came to village Jhapal (where this approver had an intimacy with the wife of Mahi, *Havildar*, mentioned in the L. C. C.) with one " Udham Singh of Baring," a returned emigrant from Canada ; and the witness then gave Indar Singh a hack-saw for Lal Singh (L. C. C.). He further gave us to understand that accused had supplied him with a pistol out of repair ; and connected him with the seduction of troops and an unsuccessful dacoity near Kartarpur (*vide* pages 337 and 338).

In cross-examination he stated that Indar Singh had told him accused's village ; but had said nothing about accused's not being allowed admission to some mill ; and that he had seen him some four times (page 341.). This evidence can hardly be considered very definite.

Approver Amar Singh, I, states that he, Pirthi Singh and Ram Rakha (both accused in the L. C. C.) went with one Basant Singh to meet accused (" one of our party") ; but, failing to find him, put up with accused's brother (page 347).

Approver Nawab Khan, who identified him in Court as " perhaps Udham Singh of Baring," states that he and accused 17 Gandha Singh went to meet accused about December 2nd, 1914 ; but found him absent. On December 4th, the witness and Kartar Singh of Soraba (L. C. C.) met accused at Samrali, who told them of a meeting fixed for that night at Nangal Kalan. So, they go there, and accused fetches Jaswant Singh, absconder. On December 5th, the witness, accused and accused Gandha Singh go to collect men to attack the Bain Sufed Bridge Guard ; return next day to Nangal Kalan ; and arrange to assemble again on the 10th for this attack. The witness, accused, accused Gandha Singh, Jaswant Singh, absconder, and Basant Singh then decide to try a dacoity at Pharala ; and accused goes to guide Kartar Singh (L. C. C.) to the place ; but the dacoity is abandoned on its being found that the owner of the house is a Muhammadan. In cross-examination the witness states that he was taken, in July 1915, to Burma by a Sub-Inspector, and at once identified accused in Moulmein Jail ; where he was the first person to tell the authorities accused's correct name and village. He states that he knew accused by both names, " Hari Singh " and " Udham Singh ;" but cannot say whether he belongs to the *Tat Khalsa*. He never saw him at any Phagwara meeting ; but he only attended one there himself. He asserts that accused joined in 2

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abortive dacoities ; and that he always considered one Hira Singh of Mangal Kalan to be accused's friend ; not his enemy.

This accused's statement commences at page 415. He admits that, before taking the *pahul*, he was called " Udham Singh ; " and admits that in Burma he passed under the fictitious name of " Kesar Singh ; " and his explanation of his going to Burma is, that he assisted his brother's brother-in-law in a case about a woman, which annoyed the villagers of Herian (especially one Hazara Singh) where his brother is married. He was mentioned by one Ranga as connected with a dacoity which occurred near Herian, and so fled to Burma ; his brother being arrested in connection with the dacoity, but subsequently released, while two others convicted for it were acquitted by the Chief Court. In addition he says that there are two other Hari Singhs in his own village. As regards his own return to India, he states that he sent his brother home from Siam ; and returned (being ill) himself to see his brother, getting a permit from the emigration authorities at Victoria allowing him to return after a year in India. He says that he owns ten thousand rupees worth of property in Victoria, which he left in charge of another person. He admits having known P. W. 298 in Canada as *Granthi* of the Victoria *Gurdwara* ; and denies having ever visited his brother Jawand Singh (or Jaswant Singh), absconder, saying that he had enmity with Hira Singh over a misappropriation of *gurdwara* money. He never even saw approver Mula Singh ; denies all allegations against him ; and, as regards his identification by approver Nawab Khan, says that the approver stood opposite his cell in Moulmein Jail and asked the name of his village, which he told him. He adds that the Police knew his name, and that he was photographed in that jail.

Exhibit D. 25 is a letter from the Immigration authorities giving him permission to be absent for a year ; the name of the ship being entered on it—*Canada Maru*, 9th June 1914.

In addition, accused has produced defence witnesses 327 to 340 inclusive ; all of whom, except three, are of accused's village Baring. According to their evidence, the accused has no seditious tendencies (though he had an opportunity of tampering with troops close to his village) ; and never left his village for four months after his return. According to them, he fled when his brother (said by accused to be now dead) was implicated and he himself was suspected in a dacoity case ; and his house was searched after his disappearance. D. W. 337 is Uttam Singh (now in Jail for failure to furnish security as a bad character), who corroborates *re* the dacoity, and says that he was one of the persons eventually acquitted. He further says that accused was implicated in the dacoity for helping him in an abduction case.

Now, though we have not seen the records of that dacoity case, there was no cross-examination of this last witness ; and the prosecution have made no attempt whatever to show that the dacoity story *re* this accused is untrue. There is certainly reason to suspect the evidence of P. W. 298 ; who may also be hoping to benefit his brother, Jawand Singh, absconder. Approver Amar Singh, I, of course, never saw this accused at all ; and approver Mula Singh, though he purported to have seen accused some four times, has not been able to identify him.

As accused's Counsel has pointed out in arguments, there is certainly a discrepancy between the statements of Nawab Khan (*vide* middle of page 366) and P. W. 298 *re* the visit to Jawand Singh, absconder ; and his Counsel has put in a number of old cheques to show that his client had a banking account in Victoria. His Counsel has also pointed out that the exploits in which accused is alleged to have engaged are all said to have fallen through ; and he certainly appears to be correct in saying that, whereas in this case Nawab Khan states that it was this accused who told him of the meeting at Nangal Kalan, in the last case (page 137 of the L. C. C.) he stated that it was Nidhan Singh who told him of it. We notice that in that case, too, Nawab Khan mentioned Hazara Singh of Herian, whom accused has named as his enemy.

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Counsel for the Crown has argued that Nawab Khan named accused at a time when he had not even been found; and, of course, the fact remains that Nawab Khan was able to identify accused in Moulmein Jail—and, apparently, was simply taken there in July 1915 for the purpose of seeing whether he could recognize any persons interned there. We have, of course, accused's own version of that identification.

It will readily be seen that this case really depends on Nawab Khan's evidence; and, though we have no doubts about his truthfulness as regards all the main facts of his story, we are not prepared to say that as a witness he must be held immaculate.

In short, there is a doubt in our minds as to the guilt of this accused, whose case has been well and carefully argued by his Counsel.

We accordingly acquit him of all the charges framed against him.

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22. Hari Singh, son of Amar Singh, of Kakar, Police Station Lopoke, District Amritsar, aged 35 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 595), returned from Shanghai by the *s.s. Mashima Maru*, reaching Colombo on 25th October 1914.

He was interned on the 2nd December 1914. He is mentioned in the confession of one co-accused.

On Jail parade of 24th October 1915, Amar Singh, H, approver, pointed him out calling him "Roda Singh." In Court he was identified by several witnesses, who, however, were men of his own village. Approver Sundar Singh (W. G.) did not identify him either on Jail parade, or in Court. Approver Balwant Singh identified him in Court.

Approver Sundar Singh (W. G.) stated that accused was one of the revolutionists at Nankana fair; and at Tarn Taran *Massia* asking the date of the rising.

Approver Balwant Singh states that in Shanghai the accused took him to the house of one Mula Singh, Police Havildar; and there told Nidhan Singh (L. C. C.) that the witness was ready to go to India for a rising. The *Mashima Maru* was, of course, Nidhan Singh's ship; and, according to the witness, accused was Nidhan Singh's right-hand man (who persuaded witness to join the *Ghadr*); and on board collected funds for the purchase of arms, and delivered seditious harangues; and it was agreed to hold meetings at big fairs like Tarn Taran *Massia*, etc. In cross-examination, the witness stated (page 144) that he forgot to mention accused to the Magistrate as a lecturer; that he did not see him after Madras; and did not know whether accused sued Nidhan Singh in a Consular Court for 100 dollars. He denied that on board he had concealed his money and begged for charity from his fellow-passengers; and that accused had discovered this and put him to shame.

P. W. 148 (a Sub-Inspector formerly of Lopoke) states that *lambardars* Sadhu Singh and Kishan Singh of accused's village reported on November 11th, 1914, regarding certain seditious harangues by this accused and accused 16 Ganda Singh (*vide Exh. P. 97 A. B.*). Our remarks in the case of accused 16 Ganda Singh should be seen. These two accused could not be found; but were arrested on November 24th, 1914. Section 109 proceedings against them were cancelled, and they were interned.

On May 31st, 1915, a pistol (*Exh. P. 98*) was found in a *chappar* just in rear of a house which had been occupied by these accused, which was made over to the Police by Risaldar Sant Singh, who died some 3 days before this witness gave his evidence. In cross-examination the witness stated that both these accused are related by marriage; that he only searched for them in Amritsar, not in Lyallpur; that he heard of no enmity against them; nor learnt that this accused had come to purchase land in the village, of which land Sub-Registrar Sadhu Singh (who effected accused's arrest) was a reversioner. The witness recorded the statement of the witness Fauja Singh after the 24th November 1914.

P. W. 149, Fauja Singh of Kakar, states that some 13 months ago, accused (who is accused 16's relation by marriage) talked sedition at the shop of Jaganath; and said that *Sikhs* should be ready at the *Massia*. Teja Singh, Bagga Singh, Kala Singh, Dalip Singh and others were present. The witness told the 2 *lambardars* who made the report. He denies having suspected accused of abducting a *Mussammat* Lachhmi; or that he wished himself to marry her. He admits that all the Kakar villagers were annoyed at accused's buying land in that village; but says that his own share was only about 1 *marla* (the land being *shamilat*).

P. W. 150 (Teja Singh) corroborates; and says that accused was the chief lecturer of the pair. Witness made a statement to the Police after accused's arrest. He denies knowledge of any case between his and accused's father in Atari; or of any ancient arson case. He was with the Police

when they came to arrest accused. He says he does not know whether accused bought land in the village.

P. W. 188 does not admit that accused talked sedition; on the contrary he says that accused at the Nankana fair told him he was going to the *Bár*, where he had land; but he eventually accompanied the witness.

P. Ws. 207, 208 and 209 concern the recovery of the pistol (*Exh. P.* 98)' which was found, by chance, by Lal Singh, P. W. 209, at the back of his, accused's and other peoples' houses in a *chappar*. It is said that no other returned emigrants have houses near accused's; but there is really scarcely anything to connect this pistol (which was not found till May 31st, 1915) with this accused; and we shall exclude this point from further consideration.

The confession of co-accused Kesar Singh (45) implicates this accused; and goes to corroborate the statement of approver Balwant Singh. We learn from it that accused in Shanghai was the servant of a Mr. Pope (presumably, the Railway Mr. Pope mentioned by accused Karm Chand Kohli); and used to associate with accused Gujar Singh in reading out the *Ghadr* and seducing people to the *Ghadr* cause. We hear the story, told by other witnesses also, of one Buta Singh's being beaten at their instance for trying to stop these practices. We find accused mentioned in connection with the revolutionist Sohan Singh of Bhakna (L. C. C.) and Nidhan Singh (L. C. C.); and as travelling on Nidhan Singh's ship. The account of the journey to Colombo is contained in one line of print—so there is no mention of accused's acting as Nidhan Singh's right-hand man on board. The confession shows that the co-accused and Sohan Singh and others travelled to Amritsar together, stayed there two days and then went to their homes—and there the confession (which, though retracted, certainly appears genuine) leaves this accused.

Accused's oral statement in this Court commences at page 417. He admits that accused 16 Ganda Singh is son-in-law of his uncle, Narain Singh; and states that he returned to India in connection with the projected marriage of a brother, and to purchase land. He denies that he has ever been known as "Roda Singh;" denies the allegations against him; denies even having known Balwant Singh at Shanghai; and asserts that he had enmity with Nidhan Singh (L. C. C.). He says that he was not at the *Massia* fair; but visited Nankana, and from there, at the suggestion of one Basant Singh and his brother, went to his village Kakar for business. Questioned as to whether he had been in the Railway Department, his answer was—"I came on leave"—and he alleges that all his co-villagers bear enmity on account of his purchase of land. He asserts that the witnesses Teja Singh, Fauja Singh, Kishen Singh and Sadhu Singh are his enemies; and alleges that Balwant Singh, approver, is his enemy because, on the voyage, he put him to shame for pretending to be penniless. He asserts that he has relations serving at the Front; and, as a proof that nothing objectionable could have taken place on the *Mashima Maru*, says that one Captain Bruce of the Police travelled by it. (We have elsewhere given abundant reasons for our conclusions as to the state of things on that ship).

In his supplementary statement (page 419) he adds he remained throughout in Shanghai as a railway-watchman; and reiterates his former assertions.

His defence witnesses are D. W. 1 (*vide* pp. 165, 166 of this record—Nidhan Singh, convict in the Lahore Conspiracy Case, whom we allowed to be examined before he went to the Andamans)—and D. Ws. 35 to 46 inclusive, 54 to 63 inclusive, 500 and 695.

Nidhan Singh supports the story about a monetary dispute with accused at Shanghai; and also says that he does not remember Balwant Singh there. He admits that accused travelled with him on the *Mashima Maru;* but tries to make out that nothing objectionable happened on board (which is nonsense). He supports the story about Balwant Singh's making himself out to be penniless. He says that accused, on arrival in India, did not accompany him to the Hazur Sahib (which is what Kesar Singh has also said in his confession). In cross-examination

this witness gave himself away by saying that he had paid for the passages of Balwant Singh, Jawala Singh and others out of the money given him by the Shanghai *Gurdwara*—but not for accused's passage; and he said that accused was "neither his friend nor his foe."

The next two witnesses were produced to give accused a good character at Shanghai; to say he returned on leave and that he had had a civil suit (so the witness learnt from a newspaper) with Nidhan Singh. D. Ws. 37 to 46 inclusive are mostly inhabitants of accused's own village; and two are his relations. They give unconvincing evidence as to accused's character; enmity due to purchase of land in Kakar; *re* accused's coming to the village to fetch his aunt; and regarding alleged arson and abduction quarrels with prosecution witnesses. D. W. 42, however, a relation of accused is obliged to admit that one *Mussammat* Lachhmi has lived in the house of accused's uncle, Ishar Singh, for 20 years; and he cannot even say whether she is related to P. W. Fauja Singh—which detracts from the abduction story. D. W. 45, who was in the same service as accused at Shanghai, repeats the story of a civil suit with Nidhan Singh some 4 years ago.

D. Ws. 54 to 68 inclusive are equally unconvincing. They include an Honorary Magistrate; accused's brother (D. W. 61); and Jaganath, who very naturally denies that any sedition was talked at his shop. Their evidence relates to character; to relations serving at the Front; to the return for a brother's marriage; the purchase of land and enmity of Prosecution witnesses; and the brother has had to admit that the alleged abduction of P. W. Teja Singh's aunt took place 18 or 19 years ago. Several of these witnesses are obviously biassed.

D. W. 500 is the Narain Singh aforementioned, uncle of accused; and he speaks about enmity with the villagers about purchase of land; but says that it was P. W. Fauja Singh's grandfather who had cases against him and accused's father. D. W. 695 is a *tarkhan*, Kala Singh of Kakar, who denies having heard any seditious talk. According to some of the Defence witnesses, Kishen Singh, *lambardar*, had the biggest reversionary interest in the land purchased in Kakar. He is P. W. 208; and, in cross-examination, he stated that the land was in *shamilat*; that the vendor was childless; and that he himself had no reversionary interest.

The only documentary *Exhibit* put in by the defence is *Exh. D.* 35; which we consider valueless. It is a copy of an entry in a Criminal Register *re* a miscellaneous application under section 107, Criminal Procedure Code, dated 17th December 1886, by the witness Teja Singh's grandfather against D. W. Narain Singh. We know nothing of what was the result of the petition.

In our opinion, there is not the element of doubt in this case which existed in the case of accused 16. This accused was back in his own village; whilst accused 16 was a visitor (*vide* our remarks in his case) and the prosecution witnesses appeared to favour accused 16.

The Government Advocate has urged that co-accused Kesar Singh's confession supports Balwant Singh, approver; that this accused seduced Balwant Singh to the *Ghadr* cause; and that the contents of the report *Exhibit* 97 *A B* show intrinsically that it could not have been invented by a *lambardar*, Sub-Inspector, or ordinary villager at the time when it was made—for want of knowledge. (*Vide* the translation *Exh.* 97 *B.*)

The report was made on the 11*th November* 1914, and, besides, mentioning that Narain Singh is the father of a *Komagata Maru* passenger, and a connection of accused 16; and mentioning that accused 16 and 22 have been talking about how the *Komagata Maru* passengers thrashed the European Police in Bengal and used pistols, it continues as follows :—

"They (that is accused) added :—

"Many of us are absconding, and the Government is trying to arrest them. We are not, however, likely to be arrested. We have been directed by the German people to cause a disturbance in our country, as, they said, the

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Government (British) was too weak and had very few military men. We have vowed to collect on a certain occasion. The best occasion for the purpose is the *Amavas* fair to be held at Tarn Taran. If some men join us in our cause we hope we will be able to establish our own rule. Come, help us and we will do many things. The best occasion for us to achieve our object is the *Amavas* fair to be held at Tarn Taran. There we will from time to time persuade people and win them to our side. If on that occasion we do not gain our end, we will have recourse to jails (especially to the Lahore Jail). We will get help from jails and break them with the co-operation of prisoners. In jails our men are busy preaching our mission, and we are confident of securing a band of one thousand men therefrom. If we succeed in securing the men we will let (the world) know what we can do.

"Our next step is to induce people to go to Germany and fight on behalf of the German Government. Our men promised with the German officers that they would, on going back to their country, spread unrest."

The report goes on to mention P. W. Fauja Singh, and the defence witnesses Dipu and Kala Singh; who, it says, have not imbibed the revolutionary ideas. It winds up with a note by the Sub-Inspector to the effect that no order had been received at the *thana* about Hari Singh (returned emigrant); but that he was trying to arrest both him and accused 16.

The Defence Counsel has done his best for his client; though we certainly cannot agree with him in relying on P. W. 184 as to the state of things on the *Mashima Maru*. He urges that approver Jwala Singh stated that the Hari Singh he knew was not the one in the dock; but that approver has not said anything against accused—and, as Crown Counsel has urged, no information was got from Jwala Singh before December, whereas the report was made on November 11th. Balwant Singh's observation in cross-examination that he did "not know accused in Shanghai" of course only meant that he was not a regular acquaintance. It is asked why accused is not shown to have associated with Nidhan Singh in India? It would have been easy enough to have concocted false evidence to that effect—and we are certainly not impressed with the evidence as to Nidhan Singh's enmity; nor with any of the defence evidence, which, according to Defence Counsel, is "overwhelming oral evidence of enmity." We have no documentary evidence, of course, to show that accused returned to India on four months' leave. Counsel has urged that he did not join the Jhar Sahib group, though he was not arrested till November 30th, 1914, and he has urged that the *Komagata Maru* and other incidents were common topics of conversation in the Manjha villages and that enemies could twist such conversations against returned emigrants.

But, even if we were prepared to believe that enemies had wished to entrap this accused, we do not believe that they could have invented the contents of *Exhibit P. 97 A* at the time when it was made.

In short the case against this accused is, in our opinion, a strong one.

On the evidence we are satisfied that accused returned to India on the *Mashima Maru* for the purposes of waging war, that he was present at the Tarn Taran and Nankana fairs seeking orders and delivered seditious harangues in his village, and was only prevented from taking a more energetic part by his early arrest and internment.

We find the accused guilty of abetting the waging of war, and sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown.

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23.—Harnam Singh, son of Narain Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 30 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 597), was one of the passengers of the *Komagata Maru*, who arrived at Calcutta on the 26th September 1914. He was arrested on 25th June 1915.

He was identified on Jail parade by approver Sundar Singh (A. M.—who did not name him, but only said he had seen him at Gujarwal), Udham Singh of Hans, Bhagat Singh and P. W. 43. In Court, by Sundar Singh (A. M.), Udham Singh of Hans and Bhagat Singh.

Approver Sundar Singh (A. M.) states that accused was one of 100 persons present at the house of Ram Singh, Reservist, at Gujarwal, when there was a *Granth Sahib* recital, in which accused Randhir Singh took part. Accused was also present after the secret meeting there, when accused Uttam Singh said that there was a *Nihang* Sikh near Gujarwal, who could supply weapons for a hundred men ; and went with Uttam Singh and accused Jagat Singh to interview the *Nihang*. On the 19th February 1915 accused joined the train at Mullanpur with Randhir Singh and others. The witness, in the course of his statement to us, said that accused was a *Komagata Maru* man of Gujarwal, whose name he had forgotten before. Nothing was elicited in cross-examination.

Approver Bhagat Singh has said that this accused's name occurs in his diary *Exh. P.* 15 (*vide* pages 175 and 185)—the entry occurs at page 66 of the diary, in connection with the 19th February 1915. This approver states that, hearing of accused's return on the *Komagata Maru*, he went to his house ; but accused did not at first trust him. After several visits, however, accused became satisfied that the witness was against Government ; and gave him a *Gurmukhi* " *Ghadr di Gunj* " (*Exh. P.* 45), and taught him to recite stanzas.

On February 18th, the witness goes to tell accused about the arrest of P. W. Ichhar Singh ; and accused tells him that a raid on Ferozepore has been fixed for next day. The witness finds accused at Mullanpur Station on the evening of the 19th ; and travels with him in the same compartment to Ferozepore. Accused is present at the reed jungle assembly ; and, on the way back after the failure of the enterprise, accused Randhir Singh makes this accused and accused Mastan Singh go on ahead from Mullanpur because, as returned emigrants, they might excite suspicion. On the 21st, accused and the witness leave for Doraha ; and accused tells of the plan to raid the bridge guard there. Near Gurthali bridge (1½ miles from Doraha) they find Nand Singh (L. C. C.) and accused 17 Gandha Singh with 6 *garwa* bombs. However, the attack is abandoned ; and the gang breaks up. Gurmukh Singh (L. C. C.) making over to accused 4 wire-cutters and 3 files. About February 22nd-23rd, at the request of accused Gandha Singh, the witness and accused go to a water-course near Lil bungalow, with a view to a dacoity—which does not come off, and accused returns home, making over to witness the wire-cutters and files. On March 11th, accused Mastan Singh sends witness to accused Jagat Singh's house to enquire from this accused *re* the arrest of Nand Singh (L. C. C.) ; but accused refers him to approver Nawab Khan. Witness spends the night of the 12th at accused's house. On the 13th, accused Mastan Singh tells the witness to inform accused of a meeting near Mour Railway Station ; and witness does so. On the 19th at Killi fair, the witness recites the *Ghadr* verses taught him by accused. Cross-examined (pp. 204, 205) the witness said that he had only known accused since his return from abroad ; and does not know whether accused knows *Gurmukhi*. Further, that as he wished to save accused, he at first said nothing about him, and on Jail parade said he was not present—but accused himself spoke up and said he was.

Approver Udham Singh of Hans corroborates on the point that accused was at Mullanpur Station, and the reed jungle assembly on the night of 19th February.

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Approver Anokh Singh, who failed to identify accused in Court, but who described him to the Magistrate, says that on the 17th or 18th February he was sent by Kartar Singh (L. C. C.) to inform accused Sawan Singh of the date for a rising, and that he found accused with Sarwan Singh. Accused arrives at Ferozepore on the 19th with Randhir Singh's party, and, on the night of February 21st, the witness and Jawand Singh absconder meet accused and approver Bhagat Singh near Doraha Bridge (this is the date given by Bhagat Singh). Nothing was elicited in cross-examination (page 247).

P. W. 43 has a house in Gujarwal, which adjoins that of accused Jagat Singh. He states that accused attended the *Akhand Path* there on the occasion of the completion of a house. The witness was turned out after the *Bhog* ceremony, when a secret meeting followed; and he reported anonymously to the Police, and also told P. W. Channan Singh of Saraba—mentioning accused's name to both. The witness denies any knowledge that accused's father gave evidence against his uncle, Gulzar Singh. P. W. 45 (page 219) is Channan Singh of Saraba, to whom the previous witness mentioned certain names, including accused's, which this witness entered in his pooket-book *Exh. P.* 65. The witness himself reported to the Police; and says that he had assisted them with information against approver Nawab Khan and Kartar Singh of Saraba (L. C. C.). Cross-examined, the witness states that P. W. 43 told him that the seditious talk had taken place 10 days before; and admits that no other entries follow his note (which is dated *Chet*) in his note-book, which was made over to the Police 2 or 3 months before his statement before this Court.

On page 220 P. W. 47 (Sub-Inspector Hyder Ali) cross-examined admitted that he had called in accused to Dehlon in connection with the Lahore Conspiracy Case.

P. W. 346. Mr. Slattery of the Criminal Investigation Department says that accused's name appeared in a list issued by the American "*Ghadr*" organization as a *Komagata Maru* passenger. He was arrested soon after the Budge Budge affair at Manbhum in Bengal. Cross-examined, the witness says he cannot say where accused got on board the *Komagata Maru*; but says that the aforesaid "*Ghadr*" list came into his possession in July 1914, while that ship was still in Vancouver harbour—the name of accused's village is given, not his father's name. The witness cannot say who boarded that ship on her way back. Accused, after his arrest was confined in the Presidency Jail, Alipur.

Accused's statement will be found at page 420. He states that he boarded the *Komagata Maru* at Hong-Kong, and went to Vancouver, where he did not land. He denies the allegations against him; and says he does not know accused Uttam Singh. He asserts that he is quite illiterate; and, asked how his name came to be in approver Bhagat Singh's diary, says that that approver saw him at a flour mill. He has never even seen approver Mula Singh. He was admittedly arrested at Manbhum, Bengal, after the Budge Budge affray; and was afterwards restricted to his village (the Restriction Order is *Exh. D.* 7, dated 9th December 1914—*vide* the top of page 422). He alleges no enmity against prosecution witnesses, but winds up by saying that approver Bhagat Singh was able to identify him because of having been with him in Ludhiana Thana. He urges grievances in respect of losses in connection with the *Komagata Maru* and as a result of the Restriction Order.

Exh. D. 26 are a certificate to him as watchman of a firm in Hong-Kong; and his Certificate of Discharge from a battery in 1912 with a "Very Good" character. We have also been shown accused's Frontier Medal of 1908.

His Defence witnesses are D. Ws. 148, 366 to 373 inclusive, 398, 719 to 721 inclusive, 867 and 1011. The first, a *lambardar* of accused's village, can only say that the *lambardars* said that accused had not left his village. The next batch of witnesses speak as to character and as to accused's remaining in his village; repeat the old story (discussed elsewhere) to show that Ram Singh's *Akhand Path* at Gujarwal was really on January 20th, 1915; and make out that on the 17th February accused's wall fell down. The witness who remembers this latter date has a son betrothed to a relation of accused.

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D. Ws. 719, etc., men of the 29th Battery, give accused a good regimental character; and were scarcely necessary, in view of his Discharge Certificate. D. W. 867 (of Gujarwal) is the father of accused 59; and tries to show that there were malpractices in regard to approver Bhagat Singh and identifications. D. W. 1011 gives accused a good character at Shanghai, where the witness was himself a watchman.

Counsel for the Defence has urged that accused, being illiterate, could not have taught Bhagat Singh verses; but accused, presumably, has a memory. He also argues that, as accused must have been searched, he could not have possessed a copy of the *Ghadr di Gunj*, and he asks whether accused would take a youth like Bhagat Singh into his confidence? But Bhagat Singh (against whom no enmity has been alleged, or proved) has himself told us that accused would not at first trust him. We can see no reason why accused should not have learnt of the date the 19th February when we know that news of it was sent about. As regards the point that Anokh Singh did not identify accused, he described him to the Magistrate, in our opinion, rather well. We are not prepared to accept Counsel's reasoning as to why accused could not have known about the proposed attack on Doraha Bridge, when we know that the plan originated at the reed jungle at Ferozepore after collapse of the enterprise there. As pointed out in arguments by the Crown Counsel, Udham Singh, approver, does not mention accused in connection with Doraha for the good reason that he and Bhagat Singh (with whom accused was on that enterprise) never met (*vide* page 197, line 55). Defence Counsel urged that Anokh Singh's statement to a Magistrate was recorded one day after Bhagat Singh's and that a gap was filled in; but he omitted to notice that they were recorded by different Magistrates in *different towns*. Much of Counsel's argument in this case (with reference also to other accused) concerned the exact date of the visit of Anokh Singh and Kartar Singh (L. C. C.) to Dhandari; but that point has been discussed and decided elsewhere, and we need not again discuss it here. We certainly agree with the Defence Counsel (and Crown Counsel agrees) that no adverse inference can be drawn against this accused on the ground that he was a *Komagata Maru* passenger, or from the fact that his name appeared in a *Ghadr* Press list of those passengers.

Counsel for the Crown relies strongly on the production of *Exh. P.* 45, copy of the *Ghadr di Gunj*; the production by Bhagat Singh of *Exh. P.* 46 (wire-cutters, etc.); and the fact that no reason for Bhagat Singh's enmity is shown.

Perhaps the most charitable view to take of this accused's actions is that he, a soldier with a good record, was one of the dupes of Gurdit Singh of *Komagata Maru* fame; and was afterwards largely actuated in his conduct by fancied grievances against Government and Europeans generally, and we take this into consideration so far as not to pass a capital sentence upon him.

We are satisfied that the accused was present at the Gujarwal meeting, was present in the array of men which proceeded to Ferozepore to attack the Arsenal there and at the Doraha attempts; also that he proposed or discussed committing dacoities and distributed seditious literature; and we find him guilty under section 121, Indian Penal Code, and sentence him to transportation for life; there being no necessity to record findings and sentences on the other counts.

We further direct that all his property, liable to forfeiture, be forfeited to the Crown.

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24. Harnam Singh, *alias* Thakar Singh, son of Bhup Singh, of Rasulpur, Police Station Tarn Taran, District Amritsar, aged 27 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 599), arrived at Hong-Kong from Shanghai on the 29th-30th July 1914, and left for Calcutta by a Jardine boat on 10th September 1914; but got off at Singapore, and eventually arrived at Calcutta by the *Nam Sang* on October 13th, 1914.

He was first arrested on 4th December 1914.

Accused was arrested on the 3rd of October 1915 in connection with the present case, or rather, was sent up from Delhi, where he was a prisoner serving a sentence of 7 years under the Arms Act. He made a statement on 3rd October 1915, which does not amount to a confession. We shall have later to consider in connection with him a confession by the co-accused 93 Thakar Singh of Thatian.

He was identified on Jail parade by approver Sundar Singh (W. G.) as "Thakar Singh"; and in Court by the same approver, after thought. Approver Kala Singh explained in Court that he failed to identify accused "because he was not well dressed."

Approver Sundar Singh (W. G.) states that accused was a sepoy in the Municipal Police at Shanghai; and that he arrived in Hong-Kong at the end of July 1914 with accused Sundar Singh of Doulu Nangal's "party" (which included Harnam Singh of Sialkot —Lahore Conspiracy Case— and Channan Singh, since hanged). Accused told the witness that they had brought pistols in a box with a false bottom. He sailed along with the witness on September 10th, 1914; and on board made a copy of the *Ghadr di Gunj* (identified as the *Exh. P.* 17). At Singapore accused Sundar Singh co-accused gives accused a sovereign, and he is left behind there to preach and collect men. On October 13th the witness sees him with accused Gujar Singh's party at Howrah Station; he reaches Amritsar with the witness on the 16th or 17th; goes to Nanak Singh's *chaubara*; and belongs to Gujar Singh's *Dewali* party in Amritsar. A few days later, the witness meets accused at Amritsar, and goes with him to Khasa Station in company with Harnam Singh of Sialkot (Lahore Conspiracy Case) and accused Bishen Singh; and after an interview with Gujar Singh, he leaves with the witness for Nankana fair. After the fair accused leaves for Lyallpur to preach *Ghadr* in the *Bar* tract; and later comes to the witness's well saying that many men in the *Bar* will join; and leaves for Tarn Taran *Masy*. with accused Thakar Singh of Thatian, intending to preach sedition on the way there. He is at Tarn Taran enquiring about the date for a rising; and attends the first meeting at the Jhar Sahib. He is also present at the Jhar Sahib assemblies of November 23rd and 26th; the Khairon mound assembly; and the attempt on Sarhali *Thana*. His name, according to this witness (who was not cross-examined on accused's behalf) is entered in the Khairon note book, *Exh. P. I.* We fail to see why this approver should have concocted this story.

Approver Kala Singh (who was also not cross-examined) states that he has known accused "since the *Ghadr* started"; and corroborates that accused was at the Jhar Sahib assembly of November 26th, and was one of those who suggested meeting at Khairon mound, as the expected *sowars* had not turned up.

P. W. 145 (*Lambardar* of accused's village) says that accused returned from abroad a few days before the *Dewali*; after which he was as often out of his village as in it. This witness was a defence witness in the Arms Act case.

P W. 170 (Sub-Inspector of Amritsar) gives evidence as to the finding of the Chinese sword-stick, *Exh. P.* 101 *A*, and the copy of the *Ghadr di Gunj Exh. P.* 17. According to the printed record, and some of our notes, this witness first stated that those articles were found at a search of this accused's *house* on December 4th, 1914; but when recalled (page 549) the witness stated that they were found *on the person* of accused when he was arrested at Tarn Taran Railway Station. The *fard baramdagi* (*Exh. P.* 100 *B*), was made out next day.

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P. W. 187 (a Sub-Inspector) is the translator (into English) of *Exh. P.* 17.

The co-accused Thakar Singh of Thatian mentions this accused in his retracted confession as at the Jhar Shaib, and as telling him of the proposed assembly at Khairon mound.

Accused's own statement to a Magistrate, which does not amount to a confession, will be found at page 443. He does not mention in it Thakar Singh of Thatian; but mentions, amongst others, approver Sundar Singh (W. G.) as at the Jhar Sahib; where, he says, he and others drank *bhang*, and he heard talk against Government and of "taking the trenches by assault that night" He says that he at once went home, after only half an hour there. This statement is exculpatory; but, at the end of it comes the important admission—"I left the ship on its arrival at Singapore; and went away to see my brother." We know what Sundar Singh, approver, mentioned about this incident.

Accused's statement before this Court will be found at page 422; and his supplementary written statement at page 560. He repeats the story of getting off at Singapore to visit a brother; and says he returned to India to take his wife to Shanghai. He says he made his statement to a Magistrate on being given a promise that he would be released if he made it. While denying allegations against him, he admits having on boardship copied 2 stanzas of the *Ghadr di Gun* at the dictation of Sundar Singh (W. G.) for that approver's own use. (That approver, as we know, was not cross-examined for accused.) He denies going to Nanak Singh's *chaubara*; and says he left for his village after bathing at Amritsar, and remained there. He never met Sundar Singh after Singapore; and does not know accused Gujar Singh. He has never seen the Jhar Sahib. The sword-stick was not his nor was found with him, but the copy of the *Ghadr di Gun* (he says) "happened to be put into his knapsack by Sundar Singh (W. G.), and remained there." He says that he served Government for 7 years; that the police arrested him, suspecting him to be a deserter, and that he is serving a sentence of 7 years' imprisonment for possession of the sword-stick.

It is not until we come to the supplementary statement (page 560) that we find an allegation of enmity against approver Sundar Singh (W. G.); and all we need say about it is that it is a ridiculous assertion of a petty squabble; and an absurd attempt to support and explain the writing out of seditious stanzas which were afterwards put into his haversack.

Exh. D 10 is the record of the Arms Act proceedings (dated 19th January 1915).

The defence witnesses are D. W.s 31, 32, 53 and 620.

The first two, *lambardars* of his village, give him a good character (one only says "as a youth"); and the latter says he stayed a month in the village, and was then arrested. D. W. 53, called as to the circumstances under which accused was arrested, could say practically nothing. D. W. 620 (a witness for accused 75) questioned at a venture for this accused, simply denied knowing him.

Accused's counsel could, naturally, say but little for him.

Exh. P 17 (shown to Sundar Singh) (W. G.) shows the stanzas referred to. It is asked why accused should have told Sundar Singh about pistols being brought in false-bottomed boxes; but there is no reason why Sundar Singh should have invented this; we know that Nidhan Singh (Lahore Conspiracy Case) had arms in false-bottomed buckets; and two boxes containing arms, etc., in false bottoms were actually opened in court before us during the last case.

Counsel for the Crown has urged that accused is a dangerous man, who was dropped at Singapore for revolutionary work, and was an associate of accused Sundar Singh of Doulu Nangal, a *Ghadr* emissary.

We, of course, bear in mind that accused is under a sentence of seven years' imprisonment already.

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We are satisfied that the accused came to India on the *Nam Sang* for the purpose of waging war, reproduced seditious literature, associated and conspired with other revolutionists at various fairs on arrival in India and joined the armed Jhar Sahib Sarhali array, and was also in possession of arms for waging war.

We cannot of course deal with the latter matter again, as he has already been sentenced for that, but we find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life. It is not necessary to record findings and sentences on the other charges. We also direct that all his property liable to forfeiture be forfeited to the Crown.

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26. Harnam Singh, son of Sundar Singh, of Kala Sanghian, Kapurthala State, aged 26 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (p. 601), admittedly belonged to the 26th Punjab Infantry ; from which regiment he was discharged on 19th February 1915. Nearly all the prosecution witnesses who testify bout him belong to that regiment. In court approver Bachan Singh wrongly identified him as "Bir Singh" ; and approver Amar Singh, II, wrongly as accused 98 Uttam Singh ; but neither of those persons says anything against him. He was arrested on 8th July 1915.

P. W. 34 Jamadar Buta Singh, of the 26th Punjab Infantry, states that accused was one of those who used to attend *Ghadr* lectures at the Hong-Kong *gurdwara* while the regiment was stationed there during 1913-14, in spite of prohibition issued by the Military authorities. This accused belongs to the witness's village ; and the witness states that accused tried to get his discharge from the Regiment in Hong-Kong ; and was eventually sent in a draft to the regimental depôt at Karachi in June 1914. The depôt was moved to Ferozepore ; where the witness joined it on November 5th, 1914. According to the witness, accused was one of the sepoys from whom he made enquiries (page 207) *re* returned emigrants frequenting the lines ; and accused told him that some ten men of the regiment were ready for mutiny ; and gave him some names ; also mentioning Kartar Singh of Soraba (the important revolutionary hanged in the Lahore Conspiracy Case), and saying that the *Ghadr* ranks contained many men of the army and Bengalis. Accused told the witness he had a pistol, which would not take service cartridges ; but he did not show it to the witness. Accused and approver Teja Singh (originally accused 92, who was tendered a pardon by this court) were sent on forced leave ; and were afterwards turned out of the regiment. In cross-examination (p. 208) the witness states that he reported against accused at Ferozepore : but himself saw no suspicious person visit accused. He denies that accused ever deposited money with him at Hong-Kong ; or that a *panchayat* demanded repayment of it. He denies that one Partapa of his village borrowed money from accused ; it was borrowed from witness, and was repaid to his relative. Accused, he says, was not even in his company in the regiment. The witness explains that accused was ready to tell him all (in a conversation about the end of January), because the witness caused him to believe he would assist him in his revolutionary work.

P. W. 35, Captain Cargill of the same regiment, tells us that, when the draft arrived in July 1914 at Karachi, this accused was one of those, who had either to apply for a discharge, or be compulsorily discharged (page 209, for full details). The witness corroborates P. W. 34, from whom the witness gathered that accused and the approver Teja Singh were ringleaders, so far as trouble in the regiment was concerned. Accordingly, accused was sent off on leave on February 11th ; and was discharged from the regiment on the 19th. Witness admits that accused did apply at Karachi for discharge ; but was told to apply again on return from leave.

P. W. 37 Bhan Singh, sepoy (26th Punjab Infantry), who was also mentioned by Jamadar Buta Singh, states that the Jamadar ordered him to enquire about the visits of returned emigrants ; and that accused Labh Singh (48) told him that this accused was ready for mutiny. This the witness reported to the *Jamadar*. The witness denies that he is any special friend of the Jamadar ; and denies that he was ever in hospital at Hong-Kong with accused, or that accused reported him for malingering. He states that he was reduced from the position of Lance-Naik simply for illiteracy.

P. W. 38 (Mohan Singh, regimental *mistri*) states that in February 1915, 2 *Monas* (one of whom had gold stopping in his teeth) came to the lines in Ferozepore asking for accused ; and soon after, the witness found accused cooking food for them in his (the witness's) quarters ; and turned them out. The witness did not ask the names of the strangers ; and had no suspicions. He denies any enmity with accused.

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P. W. 233 is approver Teja Singh (who was tendered a pardon by this Court), who was formerly in the 26th Punjab Infantry. He asserts that accused was won over to *Ghadr* ideas in Hong-Kong in 1914. He returned with accused and the Jamadar to Karachi depôt; and, when the depôt was moved to Ferozepore, accused was left behind at Karachi, as it was intended to send a draft to Hong-Kong. He says, in favour of this accused, that accused was not present at the meeting at Ferozepore Hospital when Pingley (Lahore Conspiracy Case) and other *Ghadr* men were present. In cross-examination this witness stated that it was the co-accused Kirpa Singh who first told him that this accused had joined the *Ghadr* party. He denies that accused had any enmity with Jamadar Buta Singh at Hong-Kong.

P. W. 344 is Madho Singh, who was Head Clerk at the 26th Punjab Infantry depôt. He states that this accused and the co-accused Hira Singh, Labh Singh and Phumman Singh stirred up men in the depôt at Karachi to make trouble about rations, compensation and clothing allowance deposits; and incited men detailed for a draft for Hong-Kong not to go. They made further trouble at Ferozepore; and talked of seducing loyalists. The witness reported to Captain Cargill. He corroborates P. W. Mohan Singh *re* accused's bringing 2 suspicious strangers to the lines on the 18th or 19th January 1915; and adds that he himself saw them going to approver Teja Singh's quarters, and that Mahan Singh told him that the men had a revolver with them. This, too, witness reported to Captain Cargill. In cross-examination the witness says that the sedition started 2 or 3 months after the return from Hong-Kong. He flatly denies that any Government property was found in his possession at Ferozepore. He admits that accused asked him to give one of his quarters at Karachi to one Ishar Singh, and that he refused.

We can certainly see no reason why all these persons belonging to accused's old regiment should have banded together to get him into trouble; but another very important piece of evidence against him, in our opinion, is the slip of paper (*Exh. P.* 243). It has been amply proved that that slip of paper was found upon the person of the Anarkali murderer (Sajjan Singh—since hanged) after his arrest; and it apparently bears upon it the name and address of this accused, the actual words being:—

"*Pind Kala Singhian da, Harnam Singh Pultan number chhabi* (26), *Lachhman Singh.*"

Our concluding remarks on this Exhibit (which was *Exh. P.* 299 in the Lahore Conspiracy Case) in our judgment in the last case were as follows:—

"We know that Arjan Singh, *alias* Sujjan Singh, the Anarkali murderer, shot the police officer Mahsum Ali on the 20th February, that is to say, one day after the discharge of Harnam Singh, sepoy, and the same day that the discharged sepoys returned, out of whom only one Labh Singh was caught in the lines at Ferozepore. The address of Harnam Singh, and of his brother noted on the slip we are discussing is indicative of the connection of the Anarkali murderer with the disaffected sepoy Harnam Singh and his brother. The reason for noting the name of the village was obviously with a view to finding them whenever needed for future association in the cause of the revolt."

Accused's statement appears on page 424 of the record, and a supplementary statement was put in by him, and is to be found on page 557.

He admits he was in the 26th Panjabis at Hong-Kong, Karachi and Ferozepore, and that he was sent on leave on the 11th February and discharged on the 19th. He admits also that he tried to get his discharge in Hong Kong and elsewhere, but asserts it was because several of his relatives had died of plague, and suggests that his name occurs on the slip found in possession of the Anarkali murderer as he had been discharged or as a possible victim.

To all other allegations he gives a denial, and, after recapitulating his services, lays the blame for his incrimination on Jamadar Buta Singh from whom he had demanded money due, payment of which had been refused.

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He also states he was given Rs. 30 advance when he went on leave about 11th February, which he urges would not have been given him had he been then under suspicion. Accused has produced 13 witnesses in defence :—

Niaz Ali, Pay-havildar, D. W. 696, proves accused did apply for leave or discharge on account of his brother's death, and that he was given an advance on taking leave, and also prior efforts at getting discharged. He gives him a good character, deposes to a dispute with Madho Singh about a room in Karachi, and denies accused objected to go to Hong-Kong from Karachi. Sepoy Labh Singh (D. W. 958) ; Kabul Singh (D. W. 705) and Bhagwan Singh, Havildar (D. W. 702) ; Sarda Singh, regimental clerk (D. W. 972), and Naik Jai Singh (D. W. 697), give accused a good regimental character ; so too does Munshi Singh, sepoy (D. W. 629), who also deposes that accused tried to get his discharge on account of illness in his family. The latter fact is also deposed to by Fauja Singh, sepoy (D. W. 700) and Jiwan Singh, *lambardar* (D. W. 701). Kabul Singh (D. W. 705), Isher Singh (D. W. 712), Labhu (D. W. 713), Lakha Singh (D. W. 714), Puran (D. W. 715) depose to such illness, requests by accused's relations to get him discharged, and a demand for payment of money from Jamadar Buta Singh ; while Jamil Singh (D. W. 703), Narain Singh (D. W. 704), Kabul Singh (D. W. 705) say accused procured recruits before the regiment went to Hong-Kong and give him a good character.

Sardha Singh, clerk (D. W. 972) appears to deny any gathering in hospital as alleged by the prosecution.

The argument by counsel is mainly directed to contesting the reliability of the witnesses Buta Singh and Madho Singh, and to pointing out that accused was on leave, when discharged, and so could not be cognizant of the projected rising on the 19th. No argument of value is put up to explain the presence of accused's name on the slip of paper found with the Anarkali murderer, beyond that as the latter was in Ferozepore on the 19th, he may have heard of accused's dismissal, and therefore thought as a man with a grievance he might be useful later,—a contention which does not fit in with the presence of accused's brother's name as well. Argument is also addressed to us that accused sought discharge for family reasons.

After giving full consideration to what has been advanced in his favour we are satisfied that accused was an active revolutionist in the 26th Punjabis, both in Hong-Kong and in India, and an associate of Kartar Singh (Lahore Conspiracy Case) and others, though he was prevented by his leave and discharge from taking an active part on the 19th February.

We are of opinion that accused fomented revolutionary ideas in his regiment, and abetted the waging of war.

We accordingly find him guilty of conspiracy to wage war, abetment of waging war and mutiny, and sentence him under sections 121, 121A and 131, Indian Penal Code, to transportation for life, and direct that his property liable to forfeiture be forfeited to Government.

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28. Hira Singh, son of Manna Singh, of Charar, Police Station Muzang, District Lahore, aged 40 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 603), is one of the important accused in the present case. He was deported from Hong-Kong, and admittedly reached India during the spring of 1915—he says, by a British India Steam Navigation ship of which he cannot remember the name. He was interned on the 9th June 1915.

He was identified on Jail parades by the following approvers and witnesses :—Ganda Singh, Puran Singh, Wasawa Singh, Bhagat Singh (as " Mahindar Singh "), 306, 308 and 309. In Court by Puran Singh, Wasawa Singh and Achhar Singh (P. W. 25). Approver Ganda Singh did not identify him in Court ; and the 2 pointsmen, P. W.s 112 and 114, wrongly pointed him out.

Approver Ganda Singh tells us that soon after the 19th February 1915, at a meeting held at the Lahore Cantonment Rifle Range, accused Prem Singh urged those present to get in touch with this accused. (The vicinity of accused's village Charar to cantonments can be seen from the site plan with this record). In accordance with this advice, the witness and others proceed to visit accused, who tells them that he has been in Hong-Kong and preached *Ghadr* at Singapore ; been deported ; has visited Burma and arranged for arms there ; also Baluchistan (ostensibly, to buy bullocks), where he has arranged with a *Baluchi* to start a rebellion on receipt of a telegram—"Send me white wool." The witness (who was not cross-examined) asserts that, after the explosion of a bomb in a box at a railway station, with which certain men of the 23rd Cavalry Depôt were connected, he sent a postcard to Achhar Singh, recruit of that regiment, to warn this accused.

P. W.s Puran Singh, Wasawa Singh and Achhar Singh, all corroborate the story that this accused was visited by them and other members of the 23rd Cavalry on the advice of accused Prem Singh, who designated accused as an " important revolutionary ; " and in more or less detail support Ganda Singh's account of accused's journeys abroad, and in Burma, Assam, Baluchistan, etc., for the purpose of spreading the *Ghadr*, and seducing troops. Puran Singh tells us, amongst other things, that accused advised them to work quietly in the regiment until every thing was ready ; and said that the Germans would send Indian prisoners back through Persia and Kabul ; that the Amir would co-operate, and so on. Puran Singh also tells us that accused, at the time, was suffering from fistula ; and says that he and his co-approver Wasawa Singh introduced P. W. 199, Fauja Singh (Fauja Singh supports this assertion) to accused, who talked *Ghadr* to him. Wasawa Singh (says this witness) praised accused Maghar Singh as a man who could make arms ; and suggested to accused that he should help Maghar Singh with money. Nothing in favour of this accused was elicited in cross-examination (page 127) ; and we fail to see how a man like this witness could have invented this story.

The same remarks apply to the statements of approver Wasawa Singh and P. W. 25 Achhar Singh—both of whom mention the " white wool " telegram. Wasawa Singh says that accused warned them, on one of their visits, against placing too much confidence in accused Prem Singh ; but he says that it was Fauja Singh who suggested that accused should help Maghar Singh with money (as can be seen, however, both witnesses on this point agree as to the occasion on which this was said). According to the witness whose evidence we are now considering, accused told them that he had an Arms Factory in Burma ; and that he would give Maghar Singh a letter to post in Burma in a *special post box*, which would reach the Burma branch of the *Ghadr* society. Now, how could an ordinary man like this witness have invented the item of information about the *special post box* ? It is true that Puran Singh does not mention it ; but it is a question of memory ; and, had there been tutoring, we should have expected both witnesses to make special mention of it. Approver Wasawa Singh was able to identify this

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accused in the 2 photo-groups—*Exhs.* P. 34 *and* 35 ; and in cross-examination (page 132) said that he visited accused once at his well, and twice at his house ; and that, on each occasion the conversation lasted for about a quarter of an hour. P. W. Achhar Singh tells us, amongst other things, that accused boasted of having instigated the rising of the 5th Infantry at Singapore (the facts of which are still fresh in people's memories). Further, he gives corroborative evidence by saying that in May 1915, he received a "letter" from approver Ganda Singh *re* the bomb which had exploded in a box, telling him to warn accused.

The next witness to consider is P. W. 199 Fauja Singh, cousin of Kirpal Singh, the Police Spy. He corroborates as to his visit to accused in March or April last along with Puran Singh and Wasawa Singh, when accused recounted his revolutionary wanderings, and promised to let them know when to act. This witness gave evidence in the 23rd Cavalry Court-martial case.

P. W. 201 (of Charar) corroborated as to Achhar Singh recruit's visit to accused. P. W. 202 accompanied accused to Jacobabad, and returned after 10 days with a bullock.

P. W. 205 (Jamadar Lal Singh, late of the Hong-Kong Police) stated that accused in Hong-Kong applied for the loan of a pistol, as being a mon y-lender ; but the request was not granted. He reported rumours that accused was holding meetings and distributing *Ghadr* literature ; and accused was arrested, placed on security and deported. He denied having had any dealing with accused.

P. W.s 306, 308 and 309 speak as to accused's actions in Bangkok. The first of them Mangal Singh was the *Granthi* there ; and states that about a month after *Ghadr* papers had begun to arrive, the accused came there, saying he was a pedlar of jewels ; and spent some 15 days in hospital. He lectured at the *gurdwara* and elsewhere, in spite of objections raised, and on one occasion at the shop of one Dharm Singh, on *Ghadr* subjects—on and off for about a month—and one Chet Ram distributed *Ghadr* literature. On the 6th February 1915 the accused and witness and P. W. Mehr Singh left for India ; after a discussion at one Budha Singh's as to sending accused in company with the wife and children of Lehna Singh to avoid suspicion. At Rangoon, accused and Chet Ram and a Bengali discussed getting Chet Ram enlisted in the police to facilitate the passages of *Ghadr* adherents. Accused continued his seditious lectures at Rangoon and on board the ship ; and (according to the witness) asserted in Calcutta that the taxicab dacoities were for the purpose of getting funds and killing Europeans. He took up a collection on the ship. In cross-examination the witness added that accused's illness was nothing serious ; that he (witness) did not take about what he knew in his village ; that accused returned for the express purposes of *Ghadr*, and told him that he had been away from India for years. He and accused lived together in Rangoon ; and Chet Ram preceded them from Bangkok by 4 days.

P. W. 303 (Labh Singh, *Arora*) corroborates the previous witness. He admits that on jail parade he caused the accused to open his mouth when trying to identify him. P. W. 309 also corroborates and says that accused and Sundar Das (mentioned also by P. W. 308) left his company at Sangore (? Saigon). He denies having had a dispute with accused at Rangoon about some milk. He first mentioned accused to Sardar Sukha Singh (the Criminal Investigation Department witness) some 3 months ago.

P. W. 310 (a Sub-Inspector of the Criminal Investigation Department) and P. W. 346 (Mr. Slattery of the Criminal Investigation Department—*vide* page 354) give details as to how these Bangkok witnesses were discovered, when enquiring about certain Gujranwala *Aroras* who had shops in Bangkok. P. W. 308's name was first ascertained and his statement was taken. Mr. Slattery tells us that the discovery that this accused was one "Hakim Singh," already known of, was only substantiated last December.

Both Mr. Scott (P. W. 10) and Inspector Harkishan Singh (P. W. 360) support the assertion that accused was suffering from fistula, and was in

hospital in Simla during last July. The former says that both P. W.s 306 and 308 mentioned his name ; and P. W. 309 described him prior to identification. The latter, of course, denies any misbehaviour on the part of himself and another Sub-Inspector (who was in the Simla hospital under treatment) ; and denies that any of the approvers, who were under military custody at Jutogh for the court-martial, could have visited accused in the hospital.

P. W. 331, a *Subadar* of the 25th Punjabis, tells us about the Hong-Kong *Gurdwara*. In cross-examination he denies knowing whether accused belonged to the party of the now notorious Bhagwan Singh, *Granthi* ; nor does he know whether accused was in the faction headed by Lal Singh. Accused was a wealthy man ; and, when about to be turned out, asserted that he was ill and innocent, and begged the Sikhs there to help him. The witness produced a pocket-book, saying that the entry " Hira Singh's case" therein was a memo. intended to remind him to report about accused to his officers.

The accused's statement and supplementary statement will be found on pages 425 and 551 of the record.

He admits returning to India in the spring of 1915, and alleges he came back owing to ill-health. He denies all the allegations made against him by the prosecution evidence. He admits he went to Jacobabad, but says he only went there to buy cattle ; and on this point we may say at once that except the evidence as to what he said he had done there, which might be pure boasting, there is no evidence that he did do anything criminal there.

He admits he was in Bangkok, but left there simply because he wanted to get home.

He asserts that Lal Singh owed him money, and hence has accused him' and he also had enmity with him owing to charges made against the witness for defalcations in the Hong-Kong *Gurdwara* accounts. He states that he was for a long time ill in hospital in Hong-Kong, and it was due to Jamadar Lal Singh's machinations he was deported from Hong-Kong.

He also alleges he was ill most of his time in Bangkok, and did not lecture seditiously there, and he eventually came home ill and went and stayed quietly in his village. He accuses the Bangkok witnesses of perjury, owing to a dispute at Rangoon about the price of some milk.

He says that on arrest he was sent to Simla, and that when there he was asked to become a witness, and was asked also to give Rs. 5,000 to be let off, and that as he declined to do so he has been falsely accused : and asserts that, while he was ill in hospital in Simla, witnesses who have identified him were brought there and he was pointed out to them.

The accused has examined 15 witnesses in defence.

D. W. 73 gives accused a good character in Hong Kong, and deposes to enmity between Lal Singh and accused owing to *gurdwara* accounts and money due. Witness himself is restricted. D. W. 74, 453, 502, 613, 614, 616, 621 and 1021 give similar evidence. D. W. 75 mentions accused having a boil, and his being laid up in Charar accordingly ; so, too, do (D. W. 76-7) who also give him a good character in his village.

D. W. 78 also gives him a good character before he went abroad.

D. W. 502 also says accused returned to India as he could get no employment in Hong-Kong.

D. W. 1020 saw accused in Jacobabad buying cattle—a matter we have already dealt with.

Counsel for defence asks us to consider that accused has been unable to get witnesses here from Bangkok.

He urges further that accused was in hospital in Simla for fistula, and was shown to the Jutogh court-martial witnesses there ; and suggests that as accused would not pay a bribe, the police tutored the witnesses. Accused

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was certainly in hospital; but the suggestions made are entirely unsupported by a single scrap of evidence, and, as the Government Advocate points out, the whole fabric falls to the ground when we see that the Jutogh witnesses implicated him before ever he was arrested, and until they mentioned him the police were ignorant of his activities.

He further urges there is no proof Prem Singh and accused were acquainted, but what further proof is necessary than Prem Singh's mentioning him it is difficult to see.

He then, forgetting his prior argument that the police had tutored the witnesses to tell a false story, proceeds to argue that there are discrepancies in the witnesses' statements; but there are no discrepancies on the points mentioned, *viz.*, the visits to accused by sowars of the 23rd Cavalry.

Counsel also asserts the Bangkok witnesses have been tutored, and that they have implicated accused to save themselves.

He also urges that Prem Singh could not have known him, otherwise he would have taken him to Jhar Sahib, but how he could take him to Jhar Sahib, when he was not in India is not explained.

In regard to the Bangkok witnesses, the matter is made perfectly clear by Mr. Slattery. During investigations in Siam it was ascertained that there was a seditious movement there, and on enquiry in India from *Aroras* returned from Siam the police got the name of one Hakim Singh who was said to have been deported from Hong-Kong. The witness at once suspected this was possibly Hira Singh, who was already in the dock, and further enquiry showed this surmise was correct.

Unless, therefore, Counsel is prepared to urge that Mr. Slattery concocted the case against accused, the whole argument tumbles to the ground, and we need not pursue it further.

He also urges that accused went to Bangkok to get treatment. Possibly he did, but it does not affect the question as to what he did there.

He also presses on us the enmity with Lal Singh, and urges that accused is a well-to-do man would not join in *Ghadr*.

He also urges that P. W. 331 only entered accused's name in his pocket-book to remind his officers about the deportation order.

We have not pursued the argument about accused in Jacobabad for the reason that there is no direct evidence he did anything there.

Besides demolishing the elaborate structure as to tutoring the Jutogh witnesses, the Government Advocate points out the method in which the Bangkok evidence was obtained, which we have already discussed; and suggests that accused remained in his village partly because he could not get about very much owing to fistula, and partly, because as a deportee he had to go warily; and partly because his village being only half a mile from Lahore Cantonments he could do efficacious work among the troops from there.

We have carefully considered all there is to be said for accused, and we are satisfied he was a prominent *Ghadr* agitator in Hong-Kong, that he tried to stir up inflammatory material in Bangkok, and came on to India to work for *Ghadr*. We are satisfied, too, that in India he was visited by several sowars at Prem Singh's instigation; and he invited them to mutiny and abetted mutiny.

We find accused guilty under sections 121, 121A and 131, Indian Penal Code of conspiracy to wage war, abetting the waging of war, and of abetting mutiny, and sentence him to be hanged by the neck till he be dead, and we direct that his property, liable to forfeiture, shall be forfeited to the Crown.

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29. Ijaib Singh, son of Kesar Singh, of Virpal, Police Station Jandiala, District Amritsar, aged 24 years :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 605), returned, according to the prosecution evidence (*vide* P. W. 346, Mr. Slattery) from Shanghai *vid* Hong Kong by the *Nam Sang*, reaching Calcutta on October 13th, 1914. Accused in his statement (page 427) says he came first from Nankin in a Chinese boat and then on in a Japanese boat, reaching Calcutta on a date he cannot recollect. He belonged until 1912 to the same regiment as approver Sundar Singh (W. G.)

He was identified on Jail parade and in Court by that approver. Approver Kala Singh failed to identify him in Court owing to his "different clothes and appearance." (We shall have later to consider, with respect to him, the confessions of co-accused 90 and 93.) He was arrested on 18th September 1915.

Approver Sundar Singh (W. G.), tells us that he first met accused in Shanghai, where accused was a watchman. He saw him at Howrah Station on October 13th, 1914, in accused Gujar Singh's party, to which accused also belonged, during the *Dewali* at Amritsar. He was at Tarn Taran *Masya*, asking the date for a rising; and at the Jhar Sahib assemblies of November 23rd and 26th. His name (according to witness) is in the Khairon note-book, *Exh. P* 1; and he took part in the attempt on Sarhali *Thana*. Cross-examined (page 90) the witness stated that accused enlisted in his regiment before he did; but he was unaware whether Subadar Prem Singh, of accused's village and the 93rd Infantry, got accused enlisted. The witness denied that one Narain Singh (of the same regiment as witness' brother, Tahl Singh), got him (the witness) discharged from the regiment; but admitted that there was a Court of Enquiry about the loss of a bolt. Re-examined (page 91), the witness stated that he got Police employment in Shanghai on the strength of his discharge certificate.

Approver Kala Singh corroborates that accused was at the Jhar Sahib on November 26th; and says accused's name was well-known there in connection with *Ghadr* work.

P. W. 143 is Lieutenant Watson of the 28th Punjabis, who speaks as to the correspondence, *Exh. P. 96*. Accused was a reservist; and was sent notice to rejoin at the Reserve Depôt. The letter was returned refused; so the witness sent the letter of October 23rd, 1 14, to the Superintendent of Police at Amritsar. However, accused rejoined of his own accord on January 14th, 1915; but the witness cannot remember whether he offered any explanation, nor knows of any letter from accused refusing to rejoin. The files show that accused was returned to his Regimental Depôt from the Reserve Depôt on January 20th, 1915.

It must, of course, be borne in mind that accused only reached Calcutta on the 13th October 1914.

P. W.'s 151 and 152 are *lambardars* of accused's village, who state that accused never returned there at all from abroad. One of them admits that he gave evidence against accused in his capacity of *lambarda* nearly 3 years ago; but denies enmity for the reason alleged: and the other only admits that accused's father got a decree against him some 3 months ago.

P. W. 360 (Inspector Harkishan Singh, C. I. D.), states that accused was arrested in the 93rd Regiment at Jubbulpore, lame in one leg.

The two co-accused who mention him in their confessions are Teja Singh of Bhikewind and Thakar Singh of Thatian. The first of these mentions accused as on the same ship with himself and accused Gujar Singh, as at Khairon and in the Sarhali *Thana* attempt. The latter mentions accused as joining the ship at Shanghai, as at Khairon and Sarhali: and the accounts given by both co-accused are most similar.

Accused's statement commences on page 427. He admittedly got on board a Japanese boat on his way back, and presumably it was the *Nam Sang*, at Shanghai. He returned to India, being very ill with rheumatism. He asserts that he went to his village ill; and that when he was called on as a

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reservist to rejoin his regiment, he wrote to say he was ill; and eventually rejoined in January 1915. He says he was ill when arrested (P. W. 360 has admitted that he was lame). Accused states that he does not know accused Gujar Singh, nor even heard of the Jhar Sahib; and says that the Police arrested 2 Ijaib Singhs, but let off the witness of that name (P. W. 167, Ijaib Singh of Waltoha). In this connection we must mention that in the confessions of both co-accused mention is distinctly made of "Ijaib Singh" of "Virpal" or "Arpal." Accused goes on to say that he was much too ill to have even gone to Khairon; that he was arrested at Jubbulpore in the 93rd Regiment; and he repeats the story of Sundar Singh (W. G.'s) enmity on account of a lost rifle-bolt. According to him, Sundar Singh "threw away" the bolt of the rifle of one Mehan Singh, brother of accused; and was put under arrest at the instance of Subadar Narain Singh, accused's cousin, being subsequently dismissed the regiment.

The *exhibits* to be seen for the defence are ***Exhs. D*** 8, 37 *and* 58.

Exh. D. 8, is the translation of a letter, dated 18th October 1912, sent to this accused by the Officer Commanding the Lahore Reserve Depôt, informing him that his name cannot be struck off, nor his discharge certificate be sent to him, until a sum of Rs. 4 advanced at the time of reserve training has been repaid by Money Order.

Exh. D. 37 consists of 2 copies of Judgments, put in to show enmity with *lambardar* witnesses who state that accused never returned to his village.

The two cases were as follows:—

(1) In a complaint by Sundar Singh and *Mussammat* Khemi against Sunta Singh, Bhagwan Singh, Roda, Mullo Shiboo, Atma Ram, Wadhawa Singh, the accused were fined Rs. 2 each, dated 12th May 1902.

(2) This was a civil by Kesar Singh *versus* Wasawa Singh, claim for Rs. 35 on book account, decreed on 11th October 1915.

It is not clear how the first case helps the accused. Nearly 13 years ago Sunta Singh (if he is the P. W. 151) was fined Rs. 2 at the instance of one Sundar Singh and a woman *Mussammat* Khemi. The second case is in point: it was a decree in accused father's favour against Wasawa Singh, father of P. W. 152, who admits the fact.

Exhibit D. 58 contains the Medical History Sheet of this accused. It shows that the accused was admitted in the hospital on the 21st May 1915 and discharged on the 15th September 1915. Previously he is noted as ill from 6th April 1915 to 16th April 1915.

The defence witnesses are D. W.'s 103 to 106 inclusive; 397, 518 to 520 inclusive; and 709 to 711 inclusive. The first four are 2 *Havildars* and 2 *Naiks* of the 93rd Regiment. They give him a good regimental character; say that he returned from China on account of rheumatism, and was in the regimental hospital afterwards on account of it. D W. 103 says that accused remitted the Rs. 4 in order to get his name struck off: and they attempt to support the story of the lost bolt. (For our remarks on this point, see the case of accused 7 which we adopt here.) D. W. 397 is to the same effect (he is a *Subadar*). D. W. 518 and 519 assert that accused returned from abroad unable to walk; and say that he had enmity with *lambardar* witnesses. D. W. 520, accused's father, an old Duffadar pensioner of the 11th Cavalry, supports the story of illness and enmity. The remaining 3 witnesses are a Naik, a sepoy and a Mistri of the 93rd Regiment. They corroborate the story of accused's illness, and the story about the rifle-bolt (*vide* our remarks in the case of accused 7); and D. W. 709 explains that by mistake the Rs. 4 was sent to an officer in the regiment instead of to the Reserve Depôt, and consequently accused's name was never struck off, and he was recalled when war broke out—accused being under the impression that he had been discharged, and was wrongly being called on to rejoin.

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Counsel for the defence has urged that Subadar Narain Singh (mentioned in approver Sundar Singh's evidence) could not be produced on account of his having gone to the Front; and we are quite prepared to make allowance for this, in connection with the story of the lost rifle-bolt. What this approver says in connection with this incident (in cross-examination and re-examination at pages 90 and 91) is as follows:—The accused enlisted before he did. He was not discharged from the regiment at the instance of Subadar Narain Singh. A "cartridge" (according to the printed record; but really a "bolt"—a mistake due to the witness' pronouncing the word like "bullet") was lost; and its owner Mihan Singh (alleged to be related to this accused) suspected the witness. The witness appeared before a Court of Enquiry, and was released when the bolt was found in Mihan Singh's own baggage. The witness resigned of his own accord some 2 months later. According to the witness, accused himself had left the regiment before this incident occurred; and he denied that he had been subsequently arrested in the Lines when visiting his brother Tahl Singh; and asserted that he got employment in the Shanghai Police on the strength of his "Very Good" Discharge Certificate.

We have recited this evidence at greater length than we did in the case of accused 7 Bishan Singh, for the reason that not a single defence witness (not even accused's own father, D. W. 520) supports the story that Mihan Singh, the alleged owner of the rifle-bolt, is any relation to this accused; and because D. W. 104 has admitted that this accused was *not* with the regiment at the time of this occurrence, though he says that accused 7 was. The obvious inference is that accused 7 Bishan Singh knew of some difficulty that Sundar Singh had had in the regiment; and that the accused whose case we are considering has heard of it from him, and has tried to turn it to his own advantage—hence, the garbled defence story about the rifle-bolt, some witnesses saying that Sundar Singh was suspected at Rangoon; and others, at Barrackpore.

The next point taken by accused's Counsel is that his client is in the dock in place of the prosecution witness Ijaib Singh of Waltoha; and his point is that that witness (P. W. 167) belongs to Waltoha, and that the name "Ijaib Singh" is entered in the Khairon note-book *Exhibit P.*1, in a group of Waltoha men—*i.e.*, there is a juxtaposition of names. However, that point has been answered by the Crown Counsel, who has admitted that at first the prosecution were under the impression that perhaps Ijaib Singh of Waltoha had been at the Jhar Sahib *as well as* this accused; but gave up the idea when it was found from the confession of co-accused 49 that Ijaib Singh of Waltoha had started, but had turned back a mile from the village; and when approvers had failed to identify him, though put to the test (*vide* Jail parade notes at pages 41 and 59 of this record).

On a careful consideration of the evidence we feel very grave doubts as to whether the name Ijaib Singh in the note-book does refer to this man, though there is the evidence of the 2 retracted confessions, which we cannot unduly press against accused. The only man who describes accused as at the Jhar Sahib is Sundar Singh (W. G.) whom we are not prepared to accept alone, especially since we doubt his identification of accused with the name in the note-book.

We do not feel we can convict with this doubt in our minds; and we accordingly acquit accused.

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30. Indar Singh, son of Phumman Singh, *Jat*, of Sheikh Daulat, Police Station Jagraon, District Ludhiana, aged 25 :—

This accused who pleaded " Not Guilty " to the charges framed against him (page 607), is not a returned emigrant. He is a sister's son of accused 98 Uttam Singh; and has certain fingers missing from his left hand, a fact which, of course, might render him easier to identify. He was arrested 20th July 1915.

He was identified on Jail parade by the following approvers and witnesses :—Sundar Singh (A. M.—who could only say he had seen him on a train to Ferozepore), Udham Singh of Hans, Bhagat Singh, 234 and 321.

In Court, by Bhagat Singh (who asked to see his hands), Udham Singh of Hans, and 234. Approver Sundar Singh (A. M.), failed in Court to identify him.

Approver Bhagat Singh stated that accused was at the reed jungle assembly at Ferozepore on the night of February 19th, 1915 (page 170); and that the " Kartar Singh " entered in the witness' diary *Exh. No.* 15 is accused's brother. The witness, Mr. Scott, has admitted that on Jail parade this witness asked several persons there to show him their hands (page 205).

Approver Udham Singh of Hans corroborates as to the presence of accused at the reed jungle assembly: and says (page 197) that, after the collapse of the proposed attack, he left with accused by the Cantonment Station for Ajitwal, and separated from him at Dhudike. The Mullanpur pointsman, P. W. 321, pointed out accused on Jail parade; and his statement concerned the men who entrained at Mullanpur dressed in black on February 19th, but he has not identified accused in Court.

P. W. 234 (Ishar Das, *sharbat*-seller of Hoti Mardan) has identified this accused on Jail parade, and also in Court, as one of those with accused Roda Singh and Uttam Singh (accused's relation) who were at Mardan anxious to get across the border (page 289).

There was practically no cross-examination of any of the witnesses.

Accused's brief statement is at page 428. He admits being sister's son of accused Uttam Singh, but denies having a cousin or brother named "Kartar Singh." He denies the allegations against him; and says that he has never even heard of Hoti Mardan. He says that, accompanied by Harnam Singh and Bhan Singh, he went to Rurki to bid farewell to some relations starting for the Front, sent off some goods by rail, and was arrested when alighting at Jagraon.

His defence witnesses are D. W.'s 341 to 351 inclusive and 717. The first of these (Head Clerk of the Deputy Commissioner's Office, Ludhiana) stated that he had been unable to trace any telegram relating to this accused from Subadar Bhan Singh (presumably, the Bhan Singh mentioned above). Harnam Singh, mentioned above, is D. W. 343; and most of the witnesses belong to accused's village. D. W. 348 is accused's father. These witnesses testify to accused's character, and say that he was in his village until he went off on a visit to Rurki. D. W.'s 350 and 351 make a most unconvincing attempt to show that approver Udham Singh of Hans (who was not even cross-examined) has some ill-feeling towards this accused. D. W. 717 (of the Sappers and Miners) states that in July last accused, accompanied by Bhan Singh, came to Rurki to see his brother, but the witness did not see Harnam Singh with him.

It is difficult to see what good this witness was expected to do accused, since Roda Singh (*alias* Ranga Singh, accused 70) was arrested at the *sharbat*-seller's shop in Hoti Mardan on the night of the 26th-27th June 1915. Presumably, it was a clumsy attempt at an *alibi*. *Exhibit D.* 77 is a Police Register showing that accused 70 and the *sharbat*-seller (P. W. 234 Ishar Das) were for 3 days together in Mardan *havilat*—which tells us nothing of interest.

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Counsel for the defence argued that approver Bhagat Singh could not have observed on a dark night that accused had fingers missing; and has asked how accused came to know of the proposed attack of February 19th. We know, however, that news was sent round; and that accused's uncle, the accused Uttam Singh, was one of the persons spreading the news and collecting men for that occasion. It was, presumably, on account of this same uncle that this accused was in Mardan, anxious to get across the Border after the Walla Bridge affair. We are satisfied that the accused took part in the Ferozepore raid and is therefore guilty under section 121, Indian Penal Code, and we accordingly sentence him to transportation for life and direct that all his property liable to forfeiture be forfeited to the Crown.

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82. Isher Singh *alias* Puran Singh, son of Sajjan Singh, of Dhudike, Police Station Moga, District Ferozepore, aged 27 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 608) according to his statement at page 429 got on board the French Mail boat at Shanghai, and reached Colombo in December 1914 in company with accused Pakhar Singh. According to the Emigration lists (*vide* P. W. Mr. Slattery, page 548), this accused, along with accused Uttam Singh, Pakhar Singh and Mastan Singh came from Canada by the French boats "Australien"; and reached Ludhiana between 17th and 21st December 1914. He was arrested on 19th September 1915.

We shall have later to consider in connection with this accused the confessions of certain co-accused.

He was identified on Jail parades by the following approvers and witnesses :—Udham Singh of Hans Bachan Singh, Amar Singh, II, Arjan Singh, and Nand Singh. In Court by the same persons, except Amar Singh, II, and by P. W. 234. Approver Bhagat Singh did not identify him on Jail parade nor in Court; nor did P. W. 317 Ichhar Singh. At Court parade approver Amar Singh, II (who in his statement refers to accused as "Puran Singh," and who described him to the Magistrate) called accused Bishen Singh "Puran Singh," and said he had met him at Kapurthala—the witness may have been confused by some similarity in appearance; and was not cross-examined as to why he should be making a false statement.

Approver Bhagat Singh states that accused attended the reed jungle assembly at Ferozepore on the night of February 19th, 1915.

There is no special reason for supposing that the witness is wilfully implicating accused; but admittedly since the 19th May 1915, at any rate the witness has been assisting the Police; and he has twice failed to identify accused. At page 205 he says that accused suspected him of being a Police spy. We shall not attach any particular importance to his statement.

Approver Bachan Singh (who on Court parade identified accused as "also called Puran Singh") belongs to accused's village. Accused returned from America with accused Pakhar Singh; and helped to induce witness to join the *Ghadr* party. In *Phagan* or *Chet* he told witness that he had attended the abortive attack on Ferozepore. In *Chet* accused absconded, as the Police were after him; and failed to turn up at the meeting near Dhangyan culvert to be introduced to approver Bhagat Singh, who was told that certain buried arms would be distributed the following week when accused would be present. (Bhagat Singh himself mentioned the proposal to introduce him to accused.) According to this witness, some 8 days later accused Pakhar Singh calls the witness and accused Rur Singh, saying that this accused and Banta Singh (hanged) "want some work done." The witness, on the way to the proposed attack on the Kapurthala Magazine, meets accused at Kapurthala Station in company with the Kapurthala "*Havildar*" and accused (armed with a pistol) guides him to the assembly in the garden on June 5th. About the latter half of June 1915 accused 63 Pala Singh brings witness a message that accused (then absconding) wishes to meet the witness in a field known as Kirwala (really, a cemetery); and eventually the witness meets accused there with accused 63 and Sham Singh and Jawand Singh absconder. Accused asks for Rs. 100 in order to get away to some Native State; and is given Rs. 30 by his father, who says he will get Rs. 60 more from accused Sham Singh, and send it through accused Pala Singh; and accused gives Pala Singh directions as to where the money is to be brought. The witness gives further details. He also produced to the Police the *kirpan Exh. No.* 63 given him by accused Pakhar Singh, who told him he got it from accused. Cross-examined,—the witness denied that he had any personal enmity with accused or that there was any enmity between his and accused's *patti* (page 193).

Approver Udham Singh of Hans states that accused arrived at Ichhar Singh's (P. W. 317) *Gurdwara* after Nidhan Singh (L. C. C.) had come there

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with bomb material from Jhabewal; and spent the night at the *gurdwara*. About February 1st accused Gandha Singh (17) brings Rs. 1,000; which amount is made over to this accused and Nidhan Singh; and is eventually taken on by them for use by the Amritsar *Ghadr* Committee. This witness also corroborates that accused was at the reed jungle assembly at Ferozepore. On February 21st accused and the witness go together to Doraha; but the projected attack is abandoned, and they return to Ludhiana, whence accused and accused Uttam Singh and Channan Singh (hanged) leave for Kiala. Cross-examined (*vide* pages 207 and 212)—the witness says that accused was present when Nidhan Singh brought the bomb materials. He admits that his statement in the Lahore Conspiracy Case was incorrect about his return to Lohatbadi. He says that the Rs. 1,000 incident took place the same day as Nidhan Singh brought the bomb materials; and that, though the money was made over to Nidhan Singh, it was entrusted jointly to him and this accused. The witness says that he deliberately left out this accused's name in the Lahore Conspiracy Case in connection with the Rs. 1,000; and that his statement then was not a full one. He also left out some names concerned with the reed jungle assembly. It is extremely probable that in that case the witness was not anxious to name different persons who were not then under trial.

Approver Arjan Singh has a long story about this accused, which runs as follows :—About the end of January 1915, accused and Rur Singh (L. C. C.) were at witness' house when he distributed *kara par had* in honour of his return from Penang; and afterwards told the witness that they were going to leave their homes to devote themselves to "National Service," and commit dacoities for funds, get arms and start a revolution; and the witness agreed to join the *Ghadr*. Accused told the witness to try and get a pistol made for him by one Harnam Singh, blacksmith; and a *takwa* from another blacksmith, Narain Singh. Some 12 days later, accused Mohindar Singh brings a message from accused that witness should come to Lahore and join his party for a dacoity—which the witness declines to do. Later, accused (armed with a pistol) comes with accused Uttam Singh (armed with a revolver), and tells the witness to be ready for a rising. Fifteen days after *Bisakhi* accused comes with Banta Singh of the "golden teeth"; and the witness is given a *Gurmukhi* "*Ghadr di Gunj*," 4 brass inkpots, a metal *gadwi*, phials and chemicals to keep. They ask the witness to send for Kapur Singh of Kaonke (the accused discharged by this Court), as they want his help to be revenged on the persons who caused the arrest of Nidhan Singh and Rur Singh (Lahore Conspiracy Case); and the witness sends the boy P. W. Mehr Singh to fetch him. A week later, Kapur Singh comes and says accused and "Puran Singh" (also another name for Banta Singh) had asked him to buy potash; and that he had arranged to get some in Ludhiana. Kapur Singh also asks for, and takes away, the copy of the "*Ghadr di Gunj*" (identified by the witness as *Ex. P.* 45).

On the evening of June 2nd, accused 64 Pala Singh brings a message that accused wants witness; and the witness then attends the Daudhar assembly, where accused forms a committee of 5 persons, and tells those assembled of the proposed attack on Kapurthala for June 5th. Accused Pakhar Singh gives accused Rs. 10; and accused gives Kapur Singh and accused Arjan Singh Re. 1 each for expenses. On June 9th accused reproaches the witness for not turning up at Kapurthala on the 5th; and asks him to come on the 12th, but the witness refuses, on account of being under restriction; and accused leaves angry, taking the bomb materials. The witness concludes by saying that this accused was one of those who seduced accused 64 Pala Singh to the *Ghadr* cause. There was very little cross-examination (page 202) of this witness; who stated that accused introduced him to accused Uttam Singh. He denied that accused had lived with him in Penang; or suspected him of stealing £4; or that accused has any enmity with the family of the witness's sister's husband.

Approver Nand Singh states that on March 12th, 1915, at approver Arjan Singh's house in Daudhar, he was told by Arjan Singh and accused

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Chanda Singh that accused was a principal member of the *Ghadr* party. Early in April, accused 53 Mohindar Singh and Phera Singh come to approver Arjan Singh searching for accused, who is absconding ; and a few days later Arjan Singh says accused has visited him. (It may be noted, in passing, that approver Bhagat Singh mentioned accused Mohindar Singh and Phera Singh as persons who promised to arrange a meeting between him and accused when he was trying to get hold of accused for the Police.) This witness corroborates approver Arjan Singh as to the endeavour by this accused and Banta Singh " of the golden teeth " to discover the persons who caused the arrest of Nidhan Singh and Rur Singh (Lahore Conspiracy Case), and as to the sending for Kapur Singh (discharged). He also gives corroborative evidence to the effect that accused had a dagger—for which, he says, accused Chanda Singh *darzi* made a cloth cover ; he corroborates also *re* accused's presence at the Daudhar assembly on June 2nd ; where accused said that he suspected approver Bhagat Singh of being a Government spy (compare Bhagat Singh in cross-examination), and so Kapur Singh should go and fetch the bomb materials without his knowledge. The witness even corroborates on the small detail of Re. 1 each being given to accused Arjan Singh and Kapur Singh. In cross-examination, the witness states that a revolver, which accused once cleaned in his presence, was 6-chambered (*vide* page 238).

Approver Amar Singh, II (whose identification we have already noticed) states that accused was present at Kapurthala on June 5th, armed with a revolver. When it was decided there to postpone the attack until the 12th, this accused said that men of Malwa should join in the projected attack on Walla Bridge, with the result that accused Rur Singh and approver Bachan Singh offered themselves.

P.W.'s 72, 74 and 77 are only produced as to the accused's visiting accused Phera Singh.

P. W. 79 (*lambardar* of accused's village) states that accused was restricted after his return from abroad ; and absconded when ordered to give security—and never returned. The witness cannot say whether accused left with the *zaildar's* permission to fetch his wife.

P. W. 234 (the Hoti Mardan *sharbat*-seller) identified accused in Court as one of the men who were anxious to get across the Border.

P. W. 317 Ichhar Singh states that about 2 days before the Rabhon dacoity, accused came when Nidhan Singh (Lahore Conspiracy Case) and accused Gandha Singh were also there. This witness also calls this accused Puran Singh ; and his statement is clearly corroborative of the statement of approver Udham Singh of Hans—the date of the Rabhon dacoity was February 3rd, 1915.

P. W.'s 61, 62, 63 and 64 (a Sub-Inspector, 2 *lambardars* and a Head Constable) speak as to the arrest of this accused in company with the important accused 98 Uttam Singh on September 19th, 1915. (It will be remembered that accused and Uttam Singh returned on the same ship ; and other witnesses have mentioned them together.) They were arrested near a *Sadhu's kotha* outside the village of Mana Baghwana in Faridkot State, where they had been lurking for some 10 days. A key of the *kotha* was found on accused ; and a revolver, automatic pistol and cartridges (*Exhs. P.* 73 A. B., 74, 75—*fard* 76) were found on searching the *kotha*. According to the witnesses, these accused, on being captured, sang revolutionary songs and regretted being without their arms. Nothing of value, in our opinion, was elicited in cross-examination.

P. W. 220, Inspector Iqram-ul-Haq, says that on September 28th, 1915, this accused mentioned the name of the Kapurthala *Havildar* as Bhagwan Singh sepoy—with the result that Bhagwan Singh gave up the pistol and *safa* produced in Court.

P. W. 287 (a C. I. D. Inspector) states that on July 6th, 1915, Buta Singh (hanged mentioned that accused had brought " 2 Malwa men " to Kapurthala on June 5th. Those two were, no doubt, approver Bachan Singh and accused 72 Rur Singh.

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The accused is mentioned in the confessional statements of accused 62 and 84.

Accused 62 mentioned him visiting Dhudike with accused 98, talking revolution, and seeing him at his own well, where he fixed the culvert meeting for June 2nd. He also said he was present at that meeting, where the Kapurthala raid was planned ; and he saw him on June 11th, when he explained why that enterprise had failed, referred to the departure of men for the Walla Bridge, and made arrangements for another attempt at Kapurthala on the 12th.

Accused 64 also mentioned seeing accused at the culvert meeting of 2nd June, fixing up the Kapurthala raid, and again on the 11th June.

The accused's statement will be found on page 429 of the record. He admits returning on the *Yat Sang*, but denies all the activities assigned to him by the Crown witnesses. He admits arrest in Faridkote, but denies he had arms there; and asserts he absconded, though restricted, as he feared internment, being a returned emigrant. He accused Arjan Singh (approver) of stealing money from him in Penang, and also says Bachan Singh is an old enemy of his. He has produced 36 witnesses in defence, some of whom were in conjunction with accused 80, and say little affecting this accused. Witnesses P. W.'s 264-8 and 277 say accused remained in his village after return for some time and went away to fetch his wife on 24th February, but did not come back. P. W.'s 352, 3-7-8-9, 360-1-2, 608-9-10-11-12 give similar evidence, and some speak as to his good character.

Evidence is also produced to show accused was taken before the D. C. on the 24 February at Moga, after which he left his village.

D. W.'s 364-5 depose to accused suspecting Arjan Singh of stealing money from him in Penang, while witnesses 782-4 assert there was no search or discovery of pistols when accused was arrested in Faridkot. The other witnesses say nothing of any value. We are not prepared to place undue reliance on this evidence.

Counsel for Defence urges that Bhagat Singh has failed to identify accused, and that though there is no direct personal enmity between Bachan Singh and accused, there is hostility between the parties to which they respectively belong—rather a far-fetched reason for false evidence.

He also attack Udham Singh in regard to the exact date he says he went to Kaile, but it is impossible to expect anyone to have an accurate memory as to every date on which minor incidents occurred, and we cannot accede to the contention that he has now altered his dates to drag in accused 32.

He also urges Anokh Singh and Bhagat Singh do not mention accused in connection with Doraha. He further presses that accused's absence from his village was due to fear ; and that the defence is true that no pistols were found on arrest ; and contends that the story that accused plotted the murder of the captors of Nidhan Singh on the very day the latter was seized is a clever concoction of the plotter—a contention we certainly discard. He further urges that the Mardan *sharbat*-seller failed to identify accused on jail parade, and that the retracted confessions of accused 62 and 84 cannot be used against accused—a point we have already discussed and disposed of.

The Government Advocate rightly points out that the reason why Anokh Singh and Bhagat Singh do not mention accused at Doraha is because he was with Udham Singh ; and the two parties did not meet.

He also urges that he was a fellow passenger of accused 98's, and they were always together, that his identification by 5 men on Jail parade and 4 in Court leaves no room for doubt ; and that he was an active seducer of Bachan Singh and accused 64.

He asks for the extreme penalty, as those at the Kapurthala gathering on the 5th June abetted the Walla Bridge murders, and points out accused

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and 98 organized the Daudhar meeting, and that accused was one of the men who wanted to murder Nidhan Singh's captors.

We have carefully considered all that has been urged for the accused, and we are satisfied that he returned in the company of accused 98 to India to subvert the Government.

We are satisfied that he began to take an active part in revolution from an early date, and was present in the Ferozepore raid and subsequently in the abortive attack on Doraha bridge.

We are also satisfied that he took a leading part in the seditious activities in Dhudike, seducing many ; and absconded from his village after receiving a restriction order visiting the village in secret at night time ; also that he projected murdering Nidhan Singh's captors.

We are satisfied he was at the culvert meeting on 2nd June, and was foremost in planning the Kapurthala raid in which he participated ; and there abetted the Walla Bridge outrage and arranged for another attempt at Kapurthala on the 12th.

We are satisfied also that he escaped to Faridkote State to avoid capture, and was there arrested ; and arms were found in the house occupied by him.

There are minor activities which we need not discuss here ; they are sufficiently related above.

We accordingly find him guilty under sections 121, 302-109, 121A, and sentence him to be hanged by the neck till he be dead, and direct that all his property, liable to forfeiture, be forfeited to Government.

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33. Jagat Singh, son of Dewa Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 45 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 610), arrived in India from San Francisco by the *S.s. Om Sang* on January 3rd, 1915. He was arrested on 20th July 1915.

He was identified on Jail parades by the following approvers and witnesses :—Sundar Singh (A. M., who " thought he was Ram Singh's brother)," Anokh Singh, Udham Singh of Hans, Bhagat Singh and 43. In Court by the same 4 approvers.

Approver Sundar Singh (A. M.) tells us that accused's brother's (Ram Singh Reservist's) house at Gujarwal was used by accused Randhir Singh for a secret meeting ; but though he says that accused was present at the *Granth Sahib* recital, he does not mention him as present at the subsequent secret meeting. However, he mentions him as present just afterwards, when accused Uttam Singh said that a *Nihang* Sikh near Gujarwal could supply weapons for 100 men ; and states that accused promised to let 3 men of Gujarwal, who were present, know the date fixed for a rising ; and that he started with Uttam Singh and accused 23 Harnam Singh to go to the *Nihang* Sikh. Further, that accused on the 19th February joined the train at Mullanpur with Randhir Singh. Cross examined (page 163), witness only said that he did not enquire why accused got up the *Akhand Path*.

P. W. 11, Mr. Donald, Superintendent of Police, Ludhiana, cross-examined, can only say that he probably arrested accused with several others as a result of approver Bhagat Singh's statement, which he recorded—he cannot recollect whether any of those persons were let off 5 days after arrest.

Approver Bhagat Singh corroborates about accused's being at Mullanpur Station on February 19th ; and says accused was also at the reed jungle assembly at Ferozepore. On March 11th, accused Mastan Singh sends the witness to accused's house to enquire from accused 23 Harnam Singh about the arrest of Nand Singh (Lahore Conspiracy Case). The witness says that the name of accused's brother is entered in his diary.—*Ex. P.* 15 ; but that the brother is not a revolutionist (page 185). This witness (page 204) was able to give details about the position of accused's house and its surroundings.

Approver Udham Singh of Hans says that accused was fetched on February 19th by himself, Uttam Singh and others for the Ferozepore rising ; and was at Mullanpur Station and the reed jungle assembly. He denies having seen accused at Dehlon or Ludhiana *thanas*.

P. W.'s 47, 49 and 288 (2 Sub-Inspectors and a *zaildar*) were cross-examined as to accused's release after arrest ; the *zaildar* only (P. W. 49) says he was released in Ludhiana.

P. W. 346 (Mr. Slattery, C. I. D.) cross-examined, says that he cannot recollect accused's saying that the reason for his return to India was that he had 4 brothers serving at the Front. Accused in Court told him he had returned by the *s.s. Om Sang*. This witness further states that accused's name was telegraphed from Hong Kong as " Ujagar Singh " ; and gives his reasons for saying that the passengers of the *Om Sang* and *Australien* were really of one party (*vide* page 549).

P. W.'s 43 and 44 are produced to corroborate the story of the secret meeting held by Randhir Singh on the roof after the *Akhand Path* at Gujarwal. P. W. 43 (Channan Singh) says he reported accused's name anonymously to the Police ; and also told it to P. W. 45 (Channan Singh of Soraba), who entered it in a pocket-book. He admits having given evidence for Mota Singh's widow against one Sardara Singh ; but denies that Sardara is accused's nephew. P. W. 44 purports to have heard the seditious harangues from the next roof ; and says some of those present were dressed in black. He denies that Mota Singh's widow lives in the previous witness's house ; or that Sardara Singh gave evidence against him.

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P. W. 45 (Channan Singh of Soraba) entered accused's name amongst others in his pocket-book, *Exh. P.* 65, when told it by P. W. 43. The note is dated *Chet.* Channan Singh told him that the men had spoken against Government 10 days previously ; and that accused had said he could make a "*goli.*" The witness says that he reported to the Police ; and had also reported against Nawab Khan, approver and Kartar Singh (Lahore Conspiracy Case). One of the names entered is that of "Sardara Singh of Narangwal."

Accused's statement will be found at page 432. He admits that Ram Singh, Reservist, is his brother ; and says that he got up an *Akhand Path* for the victory of the British *Raj*, and for his brother and cousins at the Front ; at which accused Randhir Singh read the *path*, certain co-accused being with him. (We are perfectly prepared to believe that this ceremony, in its inception, was genuine and innocent ; and that it was due to Randhir Singh that a secret seditious meeting took place after it.) We are not prepared to believe this accused's statement that the *path* lasted from the 18th to the 20th January 1915 ; and our reasons for this conclusion have been given elsewhere, and will to some extent be repeated. To continue the accused's statement—he denies that any secret meeting took place ; but admits that Bhagat Singh, approver, visited him (*vide* the answer to question 11 on page 432). He tells a stupid story of Bhagat Singh's coming to his house, being afraid of a dog, and talking seditiously, and being turned out in indignation. This sort of explanation really goes to help the prosecution. He says that he has been falsely implicated by P. W. 43, Channan Singh, whom he mentioned in connection with Bhagat Singh in the answer to question 11, and says that he holds three medals (we have been shown one, a Frontier medal of 1897-98).

Realising, of course, that it would be well to prove an *alibi* for the 19th-20th February, he has told us an unconvincing story about waiting about on both those days at his village Post Office in expectation of money orders in connection with remittances sent by him from America in January 1914. These money matters, he says, partly occasioned his return to India ; and admits that he did not actually get the money till February 24th-25th.

The defence witnesses are D. W.'s 374 to 396 inclusive and 940. The first witness is the Post Master of accused's village, produced in support of the *alibi*. His statement will be found at the bottom of page 745 ; and, while we are quite prepared to believe his statement that accused was paid his money on February 25th and 26th, we are certainly not prepared to accept it as good proof of accused's presence in Gujarwal during the 19th and 20th. Some of the witnesses are related either to this accused or to co-accused ; and attempt to support the story of accused's hanging about the Post Office, and of Channan Singh's enmity ; and also make out that Channan Singh was not in the village at the time of the *Akhand Path.* The most important of the first batch of witnesses is D. W. 79, Ram Singh, pensioner, brother of accused. He and other witnesses have attempted to upset the prosecution date for the *Akhand Path* at Gujarwal ; and the witness has produced *Exh. D.* 27, a letter which he says he found among accused's effects. It purports to have been written to accused by accused Randhir Singh from Mehman Singhwala on January 13th, 1915. It is profuse in its loyalty ; fixes dates for accused's *Akhand Path* ending with the *Basant Panchmi* day (the dates being unnecessarily entered in the letter according to both the English and Indian months) ; and winds up by saying that Surjan Singh (presumably, accused 89) will give all assistance. We have no hesitation about saying that we believe this letter to have been manufactured expressly for defence purposes.

D. W. 940, a cousin of accused, states that he wrote to Ram Singh, to recall accused to India (this may be quite true), and that accused has 9 cousins serving at the Front.

Exhibits P. D. 28, 29 and 33 are put in to prove enmity with P. W. 43 Channan Singh of Gujarwal.

D. 28 is a copy of a suit by Channan Singh against Kehr Singh, Mangal Singh for Rs. 200, dismissed on 26th November 1915.

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D. 29 is a copy of a criminal case under section 223, Indian Penal Code, by Premi *v.* Sardara, in which the accused was imprisoned for a week and a fine of Rs. 10, dated 16th July 1915. Sardara is the man whom accused says he helped in the matter of seduction of his aunt by Channan Singh. The relevancy of this first case is not apparent.

D. 33 is an extract showing that in July 1896 one Jiwa complained against Channan Singh, Bhagta and Fauja, in which the accused were fined. There is nothing to show what Sarwan Singh had to do with the case.

It is argued by defence Counsel that this accused and accused Sarwan Singh could never have associated, being enemies (*vide* Ex. D. 33). There is the familiar argument about the dates of the *Akhand Path*; and it is pointed out that approver Sundar Singh does not mention accused as at the secret meeting; but he does mention him as at the discussion just after it. Bhagat Singh does not appear to have been inimical; in fact (*vide* near top of page 204) he seems to have been mainly responsible for the release by the Police of this accused at first.

We are not prepared to believe that accused has simply been dragged into this case by the machinations of P. W. 43; and it seems probable that he was loyal enough until Randhir Singh and his associates prevailed upon him to take part in foolish and nefarious designs.

We agree with our colleague Pandit Sheo Narain so far that the case presents some difficulties, but, on a full consideration of all the facts, we are of opinion that the case is proved.

No doubt the getting up of a '*Bogh*' is a perfectly innocent affair but the question is, did he go to Ferozepore in martial array?

We do not think the accused was an active revolutionist before the 17th February; and are of opinion that Randhir Singh induced him to go to Ferozepore on the 19th, probably representing that to do so was a religious duty, as he did in the case of Ram Singh.

His presence in the Ferozepore raid is to our mind undoubted, and we convict him of waging war, and sentence him under section 121 to transportation for life, and direct his property, liable to forfeiture, be forfeited to the Crown; but viewing his case as one of a sudden and misguided impulse, we recommend him to the utmost mercy, and that the order of forfeiture be not enforced.

A. A. IRVINE,
President, Commissioners.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

This accused has pleaded "Not Guilty" to the charges framed against him, page 610. He arrived in India per *Om Sang* 3rd January, and was arrested on 20th July 1915; as Mr. Donald says, probably in consequence of Bhagat Singh approver's statement. Approvers Sundar Singh (A. M.), Bhagat Singh, Udham Singh, Anokh Singh and P. W. 43 identified him both in Jail and in Court.

This accused's brother Ram Singh was a reservist, and an *Akhund Path* was got up by the accused at his house for his brother's sake, where Randhir Singh officiated. It is alleged that after the *Bhog* a secret meeting was held on the roof of the accused's house, where Randhir Singh organized a plan of attack on Ferozepore arsenal. Approver Sundar Singh (A. M.) tells us that although such a meeting was held the accused was not present there; though he says that the accused was present soon after, when accused Uttam Singh said that a *Nihang* Sikh could supply weapons for 100 men (accused promising to supply 3 men from Gujarwal). He started with Uttam Singh and (23) to see the *Nihang* Sikh. It is not stated who this *Nihang* Sikh was. The same approver further says that the accused joined the gang of raiders at Mullanpur on the 19th July.

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Approver Bhagat Singh confirms the previous approver in respect of accused joining at Mullanpur.

He adds that on the 11th March he went to Narangwal to Mastan Singh (58) and inquired about Nand Singh's arrest. He knew nothing about it and referred him to Harnam Singh, with a warning not to go direct to his house, but go to accused's house (which is outside the village) and send for Harnam Singh there for enquiry, which he did. The entry dated 11th March in his diary states that it rained the whole day, and in it he put-down a Kala Singh along with Jagat Singh, but says nothing about this man in Court. At any rate, he does not mention any talk with the accused on the occasion, with whom he stayed the night, Udham Singh of Hans is another witness testifying against the accused ; according to him the accused was fetched by Surjan Singh (89) (page 197, line 13) for the Ferozepore raid.

It is a fact not to be overlooked that the accused was once released after his arrest (P. W.'s 47, 49, 288) Why ? Because Bhagat Singh did not implicate him first. On the contrary, he told the police the accused was not a Ghaderite (see his statement).

P.W.'s 43 and 44, page 204, line 8, are produced to corroborate the holding of a secret meeting. P. W. 43 alleges he anonymously reported the accused's name to the police, and also told it to P. W. 45, who noted it in his pocket-book. P. W. 44 alleges that he heard the harangue by Randhir Singh on the roof of the house.

It is true P. W. 45 did note the name of the accused in his pobket-book but it was only at the instance of P. W. 43. I cannot believe that the harangue could have been audible to P. W. 44. Unless he took special care to hide himself, the very object of a secret meeting would have been frustrated if the men on the roof saw anybody near about. I think P. W. 44 is overshooting the mark, when he says he heard the talk from the roof of his house.

I do not doubt a conference was held by Randhir Singh on the roof of the accused's house ; but I cannot believe that a man who got up a *Bhog* for the safety of his brother would be instantly transformed from a loyal citizen into a seditionist without any reflection or predisposing cause. The approver Sundar Singh (A. M.) is nearer the mark when he says the accused was not present at the secret meeting which was engineered by Randhir Singh.

At page 213, line 3, Udham Singh, approver, says he does not remember whether he identified the accused at the first, second or third round in Jail parade.

I would have had no hesitation in believing approvers, but the alleged conduct of the accused is to my mind irreconcilable with his anxiety for his money, which was by no means a small amount. There is reliable evidence that the accused was hanging about the Post Office on or about the day of the raid. The memory of the Postmaster may fail as to precise date, but he is clear that the accused was anxious about his money orders, which he received within a few days of the date of the raid. Are we to believe that he was interested in bringing about a revolution at a time when he was so deeply concerned about his near relations in the Front, and when he was expecting a large amount of money saved by him during his stay abroad ?

I am inclined to the view that P. W.'s 43, and 44 are not well disposed towards the accused. They, suspecting something seditious taking place on the roof of the accused's house, reported the matter to the police with a hope of some credit for the service.

At any rate, there is element of doubt in this man's case. From his appearance the accused looked a respectable and elderly person. I do not believe that the accused was one of the raiders. As already remarked Bhagat Singh did not implicate him at first ; Udham Singh is not sure that he identified him at first sight ; Sundar Singh says accused was not present at the secret meeting. Under these circumstances I would give him the benefit of doubt and acquit him.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

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84. Jammu, son of Wasao, Bahashti, of Waltoha, District Lahore, aged 25 (by trade a water-carrier) :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 612), is not a returned emigrant. He was arrested on 18th September 1915.

He was identified on Jail parade by approver Natha Singh (simply as a man whom he had seen at Khairon). In Court the same approver, who could not name him, identified him as a man he had seen at the Jhar Sahib. Approver Sundar Singh (W. G.) did not identify him either on Jail parade or in Court—though he has stated that accused's name is entered in the Khairon note-book, *Exh. P.* 1, and that accused took part in the attempt on Sarhali *thana*.

Beyond what he said at the time of identifications, approver Natha Singh has said nothing about this accused.

P. Ws. 165, 166, 167—men of accused's own village—give vague evidence about seeing this accused with co-accused Nos. 56, 49, 88 and 94 together leaving the village (presumably, on their way to the Jhar Sahib)—one of these witnesses, P. W. 166, admits that accused was suspected of stealing his mare. (There is admittedly an error in the printed record, *i.e.*, instead of witness being suspected of theft of accused's mare, accused was suspected of stealing witness's mare.)

P. W. 168 (Sub-Inspector of Waltoha) states that he arrested accused on the strength of the note-book, *Exh. P.* 1, the information of the above witnesses and the information afforded by 2 co-accused. He admits that he has two or three times arrested accused on suspicion of theft; but says that he is not a *badmash* on No. 10 Register.

We have also to take into consideration against this accused the confessions of the co-accused Labh Singh of Waltoha and Sultan Shah. The former mentions him as starting off on a proposal to loot Tarn Taran or Sarhali Police Station; as at the Jhar Sahib; Khairon; Sarhali; being threatened into going on and finally getting away. The latter confession mentions accused as one of those at Khairon.

Accused's statement is at page 433. He cannot suggest why it should be said that his name is in the Khairon note-book; denies all allegations against him; and says that accused Mangal Singh of Waltoha is his bitter enemy (*i.e.*, that he could not have even been in a gang with him).

The accused produced no defence witnesses.

His Counsel has pointed out that Sundar Singh (W. G.) never identified accused; but that approver only wrote down names given him, and approver Natha Singh was able to identify him. It is pointed out that accused is a Muhammadan; but so is accused Sultan Shah, and there were all sorts of men at these gatherings. He is implicated in 2 confessions (no doubt, retracted). We are not prepared to believe that the Police dragged him into this case simply because they "were tired of him as a *badmash*."

It is, however, most probable that he joined in with no very clear knowledge as to what was expected to happen; and that he was taken along to swell the gang. He is only a water-carrier, and has been 6 months in custody.

We are, therefore, doubtful if the accused had any idea of waging war, and we think that most probably he had no thought of anything but robbery somewhere.

It is also possible that he was raked in to the Jhar Sahib as a man who might be useful, without any purpose being disclosed to him, and we prefer to take this view of his case.

He is however guilty under section 202 for not disclosing what he learnt at the Jhar Sahib; and we convict him under this section; but considering the time he has already been in jail we think it will suffice to sentence him to 6 months' rigorous imprisonment, which we do.

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35. Jassa Singh, son of Natha Singh, of Jhar Sahib, Police Station Tarn Taran, District Amritsar, aged 19 (he is probably over 20 years):—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 613), is not a returned emigrant. He is the brother of accused Bhog Singh; and lives at the Jhar Sahib. He was arrested on the 15th September 1915; and on the 20th he made a statement to a Magistrate—which statement does not amount to an admission of any offence. He was arrested on 17th September 1915.

He was identified on Jail parades by the following approvers and witnesses:—Natha Singh, Surain Singh, and 15 Jagat Singh. In Court by Natha Singh, Kala Singh, 15 and 172.

Approvers Sundar Singh (W. G.) did not identify him either on Jail parade or in Court; and Surain Singh (who has stated nothing against him) did not identify him in Court.

Approver Sundar Singh (W. G.) stated that he saw accused at the Jhar Sahib on the night of November 23rd, when it was dark; and the witness cannot say whether accused was present at a previous meeting, or not. There would, of course, be nothing extraordinary about accused being at the Jhar Sahib on any occasion; and we are only concerned with the question whether the circumstances under which he was present on any occasion are proof of guilt.

Approver Natha Singh states that accused was present at the Jhar Sahib on the night of November 26th, 1914; when accused helped to feed the persons assembled. He had no talk with accused; and did not mention his name to the Police till he identified him.

Approver Kala Singh tells us that accused was present at the Jhar Sahib where Lal Singh of Bhure (Lahore Conspiracy Case) told the witness that Chanan Singh had agreed to join the *Ghadr*; but says that accused kept quiet during this discussion. Accused took his turn at reading out at the Jhar Sahib during several days a *Ghadr* pamphlet brought by accused Balwant Singh absconder. Accused was present there when accused Gujar Singh read out the *Ghadr* and preached; and when Lal Singh of Bhure brought there 25 *dhangs* for *chavis*, and gave one Sandhi, *badmash*, Rs. 10 to get them fitted. Witness affirms that accused served food to the assembled conspirators on the night of November 26th (this in corroboration of approver Natha Singh). Accused was present at a subsequent discussion about the abortive attempt on Sarhali *thana*. The witness gave the accused 2 *chavi* blades to keep; which accused subsequently produced to the Police from a manure-heap in the witness' presence. Witness states that he informed the Police of what Santa Singh of Mari had told him about a sword and a knife being with accused and his brother. In cross-examination, the witness said that accused did not lecture, but only served food; and there was nothing to indicate that this witness wished to press the case against accused.

P. W. 15 (Jagat Singh of Bhure) helped Lal Singh of Bhure to take food to the Jhar Sahib for conspirators, and saw accused there (the witness's statement to a Magistrate is *Exh. P.* 24).

P. W. 172 corroborates that accused fed men at the Jhar Sahib; and P. W. 305 (of Bhure) says that accused was there when Lal Singh (Lahore Conspiracy Case) took the witness there and talked sedition.

P. W. 156 states that he was present for a very short time about the middle of *Katak* at the Jhar Sahib when accused Bogh Singh read out seditious literature to this accused, approver Kala Singh, Lal Singh of Bhure and others. The witness, however, does not assert that accused took any part in the readngs.

P. W. 115 is Sub-Inspector of Tarn Taran; and states that he reported on December 1st, 1914, regarding meetings at the Jhar Sahib. On 14th September 1915 he arrested approver Kala Singh, and as a result of Kala Singh's statement this accused on the 15th produced the *chavi* (*Exs. P.* 25 *A. B.*) from a

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manure-heap. The witness states that accused himself gave information that his brother, accused 5 Bogh Singh, had knowledge of some swords—which were recovered. In December 1914, and May 1915, when the Police made enquiries about meetings at the Jhar Sahib, accused denied all knowledge of them, though the information was confirmed by local *lambardars*. P. W. 117 corroborates *re* the discovery of *Exh.* 25 *A. B;* and signed the *fard Exh. P.* 87.

This is the evidence against this accused. In his own statement to a Magistrate he, to some extent, corroborates that evidence; though he does not incriminate himself. He asserts therein that it was Kala Singh himself who, in his presence, produced 2 *chavis* from the manure-heap. He says that he *heard* of a meeting held at the Jhar Sahib in his absence at Shekh village. He admits that Lal Singh of Bhure gave him a copy of the *Ghadr* newspaper to read; it was only with him for a very short time before Lal Singh took it back; and he only read it out to Lal Singh because Lal Singh made him do so.

The confession of accused's brother (co-accused Bogh Singh), though it goes to corroborate many of the facts spoken to by witnesses, does not tend to incriminate accused, but goes to support his story that accused was absent on religious duties at another village when conspirators were fed at the Jhar Sahib.

Accused's statement appears at page 433. He says he made a statement to the Magistrate at the instance of Inspector Harkishan Singh, but as a matter of fact, it is entirely exculpatory. He denies all knowledge of Jhar Sahib gatherings, and admittedly appeared in the last conspiracy case as a Defence Witness (No. 119) for the notorious Lal Singh of Bhure (Lahore Conspiracy Case). As regards the *chavis*, he says that it was really Kala Singh who got them out of a manure-heap.

His defence witnesses are D. Ws. 2 to 9 inclusive and 107. The first batch are as to character; and also say that they heard of no meetings at the Jhar Sahib. D. W. 107 is to accused's absence from the Jhar Sahib, engaged in reading a *path* at the neighbouring village of Shekh.

Defence Counsel's argument was on the same lines as for accused 5 Bogh Singh and we adopt our remarks thereon. We see no reason to doubt the prosecution evidence; but we think it very probable that accused was much at the mercy of the conspirators, and was very probably under the influence of his elder brother and men like Lal Singh of Bhure.

The offence committed by the accused may possibly come technically under the category of abetting the waging of war, but we have decided to convict only under sections 121-A and 124-A; and in view of the very minor part played by accused and the probability that he was under the influence of his brother and Lal Singh we sentence him to six months' rigorous imprisonment.

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37. Jindar Singh, *alias* Rajindar Singh, son of Mangal Singh, of Chowdhriwala, Police Station Ghiranda, District Amritsar, aged 27 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 615), reached Colombo on October 25th, 1914, by the *Mashima Maru*. He was interned on 12th July 1915.

He was identified on ail parade by the following approvers and witnesses :—Sundar Singh (W. G.—"came with me from Shanghai; and saw him at the Sarhali assembly"), Balwant Singh (who saw him in Shanghai), Umrao Singh (as on the *Mashima Maru*), and 15.

In Court by Sundar Singh W G.) Balwant Singh and 15 (who did not name him; but connected him with the Jhar Sahib).

We shall have later to consider the confessions of two co-accused as affecting him.

Approver Sundar Singh (W G.) states that accused at Shanghai gave accused Gujar Singh 20 dollars for "the cause;" and promised to come himself to India when he had received his gratuity He was at Tarn Taran *Pasya* asking about the date for a rising; and, later, the witness finds him at the house of one Sohan Singh of Tharu, and tells him that the date has been altered to November 23rd, 1914. Accused complains that Gujar Singh and his party have done nothing; and says that he and others of Tharu will form their own party, interview Bhai Sohan Singh and other emigrants, and fix their own date; but eventualy agrees to be at the Jhar Sahib on November 23rd. He attends the assemblies there on that date and on the 26th; is entered in the Khairon note-book (*Exh.-P I.*); takes part in the abortive attempt on Sarhali *thana*; and goes on to the house of the Dhun *zamindar*. This approver was not cross-examined.

Approver Balwant Singh (who called him "Rajindar Singh") states that accused left the Shanghai Police in order to join the *Ghadr* cause; and returned on Nidhan Singh (L. C. C.)'s ship *i.e.*, the *Mashima Maru*. At Madras accused formed one of Nidhan Singh's party to the *Hazur Sahib*. About 1½ months after his enlistment the witness meets accused visiting a relation Wadhawa Singh in the Lines of the 23rd Cavalry at Lah[illegible] Cantonment—but, according to the witness, accused's visit there was [illegible] for *Ghadr* purposes

This witness, also, was not cross-examined.

P. W. 15 (Jagat Singh of Bhure) cross-examined, simply stated that he first saw accused at the Jhar Sahib; and next in Court.

P. W. 184 (cross-examined) says that he does not know whether accused left Shanghai on leave. On the *Mashima Maru* accused was on a different deck from that on which the witness and Nidhan Singh were. The witness tries to make out that he heard no *Ghadr* lectures on that boat; and that a Captain Bruce kept an eye on those on board as far as Colombo. However, we have abundant evidence as to the seditious proceedings on the *Mashima Maru*; and we can only suppose that this witness, besides being probably anxious to help accused, also desires to safeguard himself against suspicion.

Accused is mentioned in the confessions of co accused Kesar Singh and Thakar Singh of Thatian. The former mentions him as on Nidhan Singh's ship (the *Mashima Maru*); in connection with Thakar Singh of Thatian; at Lal Singh of Bhure's house; Khairon; Sarhali; Dhun and the riverside. The confession of Thakar Singh is corroborative; and he implicates accused in helping to collect men, corroborating Kesar Singh.

Accused's statement commences at page 435. He asserts that he returned to India on six months' leave, on account of his father's illness. He admits going to the Hazur Sahib after reaching Madras; but not with Nidhan Singh (L. C. C.); and from there to Amritsar. He denies the allegations against him; says he was restricted to his village, and never absented himself;

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and that he was arrested there, and taken to Simla, where he was shown to several approvers. He supports the absurd story of certain other accused that nothing objectionable could have taken place on the *Mashima Maru*, because of the presence on board of a Captain Bruce.

The accused has called several witnesses in defence and questioned some produced by other accused. We must see D Ws. 36, 87 to 90 inclusive, 111 and 620. The first gives him a good character; and so do the next batch, who say he never left his village D. W 111 could say nothing of value; and D W 620 only made a bare assertion that accused came to India on leave.

There is no documentary evidence of leave granted by the Police Department; and, according to approver Balwant Singh (who was not cross-examined), accused left the Shanghai Police in order to join the *Ghadr* movement. He was, probably, one of the persons beaten up by Nidhan Singh (L C. C.) Even P. W 184, who was obviously biassed in his favour, was unable to say that accused came on leave. Approver Balwant Singh has certainly not said that accused was visiting the 23rd Cavalry Lines for *Ghadr*; but accused himself has not explained why he went there

We are unable to agree with his Counsel's suggestion that accused has really done nothing; though his activities, perhaps, were not great

We are satisfied on the evidence that this accused came to India on the *Mashima Maru* for the purpose of waging war; that on arrival in India he associated with other revolutionists, and joined in the armed Jhar Sahib-Sarhali array; and we accordingly find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life and forfeiture of his property liable to forfeiture; but in view of the fact that his activities were not great, and that he himself is an emaciated and weakly individual, and could not have been of much use, we recommend him to mercy, and that the penalty of forfeiture be not enforced.

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38. Kahan Singh, son of Sarup Singh, of Hassanpur, District Ludhiana, aged 32:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 617), is not a returned emigrant. He was arrested on 14th June 1915.

He was identified on Jail parade by the following approvers and witnesses: Sundar Singh (A. M. "seen him several times at Bhasaur, and with accused Randhir Singh"), Udham Singh of Hans, Bhagat Singh, Anokh Singh (who called him "Harnam Singh," and said he had seen him at Ferozepore), Sucha Singh and Umrao Singh.

In Court by Sundar Singh (A. M.), who merely said he had often seen him about, but knew nothing about him in connection with the present case; Bhagat Singh, Udham Singh of Hans, 342 (student), Sucha Singh, 49 (student) and approver Umrao Singh (by name).

Approver Bhagat Singh's statement simply amounts to this, that, so far as the witness knows, accused did not join the *Ghadr;* but, like the witness, was detailed by the Police in May 1915 to assist in the arrest of *Ghadr* men.

Approver Udham Singh of Hans tells us that, after the failure of the proposed attack on Ferozepore, he met accused and Dewa Singh (L. C. C.) at Basaur, who advised him to mend his ways; told him the Police were after him; and offered to take him to the Superintendent of Police of Ludhiana, and get him a pardon. The witness says that at the same time they told him to make no mention of accused Randhir Singh and his party at Ferozepore, but only to mention "one or two names." Some 2 days after this, the witness goes to accused's village; and accused and Sajjan Singh, *Lambardar* of Rurka, take him to the Sub-Inspector of Dehlon on March 20th 1915. In cross-examination the witness denied having met accused at Bilaspur; and was unable to say whether accused lived with Dewa Singh (L. C. C.). Witness admitted that Dewa Singh told him that accused was a Police spy; and that accused and he (witness) worked together for the Police

Cross-examined, P. W. 47 (the Sub-Inspector of Dehlon referred to above) denied that accused had ever reported to him himself; but sent some information through Sajjan Singh, *Lambardar*.

P. W. 295 (of Badowal) states that accused, approver Jowala Singh and another man cooked food at his house a year ago; and that he identified accused at Ferozepore. The witness was able to point out Jowala Singh in Court.

P. W. 342 Sher Muhammad, student of the "Islamia School," Ludhiana, merely says that accused came with Dewa Singh (L. C. C.), and stayed one night. It was the only time the witness saw accused; and there was no conversation.

P. W. 349 (Jaimal Singh, student,) states that he lived in the "Islamia School" with approver Sucha Singh; and that accused and Dewa Singh (L. C. C.) used to visit there. Sucha Singh, he says, did not tell him about accused; and he states that accused *prior* to his arrest was suspected of being a Police spy

As can be seen from the above recital of these witnesses' evidence, the prosecution can gain very little from their statements; and the case against this accused really rests upon the evidence given by the two following witnesses.

The first is Sucha Singh, approver, whose story runs as follows. In November 1914 he happened to meet accused upon an *ekka*; and the accused told him that the true facts about the present war were not given in the newspapers, but that he had a paper which gave the true news. On the witness's assuring accused that he was not in the Secret Police, the accused showed him a copy of the "*Ghadr di Gunj*," which the witness has identified as *Exh.* . 245. A day or two later, accused came to the school boarding-house, and told the

witness that the paper was concealed in his fodder room at his village of Hassanpur. The witness went there and got it; read it; became incensed against Government; and took it to his school. There he read out verses to fellow students Sher Muhammad and Jaimal Singh (Jaimal Singh himself mentions – page 361—that he saw such a paper with Sucha Singh in November 1914); and he and Kirpal Singh commenced to make copies of it; and the witness gave the paper to Kehr Singh (L. C. C.) and Dewa Singh (L. C. C.). The day that the witness brought the paper to the school, accused visited the boarding house, and told him that the paper should be kept carefully and that a rising would soon take place. The witness goes on to say that he met accused talking with the conspirator "Amli;" and that Dewa Singh and Dalip Singh (the dead approver) joined them at Bela Singh's *chaubara*. There Dewa Singh and accused told them that 75,000 rifles had come from Germany to Bengal; and accused praised Kartar Singh (the prominent young miscreant of the Lahore conspiracy case – since hanged), whom the witness at the time did not know. It was also arranged to warn the approver Nawab Khan; and accused and Dewa Singh spent the night at the boarding-house. Soon afterwards, the accused at Bela Singh's sent the witness to take approver Umrao Singh to the approver Dalip Singh (deceased). The witness gave Dalip Singh a bottle of phosphorus in accused's presence; and accused and Dalip Singh asked the witness to buy *mansal* and sulphur. Later, the accused told witness that he had made over 3 *seers* of *mansal* to approver Umrao Singh; which Umrao Singh afterwards confirmed. The witness further tells us of accused's coming to the boarding-house on a bicycle, and telling Kartar Singh (L. C. C.) and others that he can take no further part in their schemes because *Lambardar* Sajjan Singh is watching his movements. The morning after the Mansuran dacoity, the accused arrives in the more than doubtful company of the "Doctor" and Lal Singh of Bhure and others; and the witness gives accused some details of that dacoity. In cross-examination this witness admitted that a relation of his is married in accused's village; but stated his ignorance as to whether accused was on bad terms with the villagers. Accused was the frequent companion of Dewa Singh (L. C. C.)

Only accused's mother was present when the witness went in November and got the seditious paper from his house. He saw accused at the boarding-house the day of his own arrest—when the witness's uncle was also present. The witness asserts that it was *after* accused's arrest and release that accused was suspected of being a Police spy; that suspicion, no doubt, having been engendered by the fact that accused had been released from custody.

The approver Umrao Singh, who identified accused in Court by name gave corroborative evidence to the effect that accused and Dewa Singh (L. C. C.) brought *mansal* to Mangla near Jhabewal where materials for bombs were ground. He further testified to seeing accused at Bela Singh's shop with Sucha Singh approver and Dewa Singh, when Nidhan Singh (L. C. C.) sent the witness to fetch a bottle of acid (compare Sucha Singh's statement). In cross-examination this witness admitted that Dalip Singh, the dead approver of the L. C. C., was his first cousin; and that Dalip Singh after his arrest, told him that Dewa Singh, Lal Singh and accused were in the Secret Police. He admitted that accused was with him in Anarkali *thana*.

Now, it is difficult to see why Sucha Singh should have invented his long and detailed statement against this accused, which Umrao Singh corroborates to some extent; and, if we believe this evidence, this accused has been guilty, amongst other offences, of the wickedness of deliberately poisoning the minds of young students. His case is very similar to that of Dewa Singh (L. C. C.) his associate; and, though it is possible that he may have, to some extent, attempted to "run with the hare, and hunt with the hounds," there appears no reason whatever to believe that he was really a Police spy, whom the Police are now endeavouring to get implicated in a false case.

Accused's statement commences at page 436. He denies being also known as "Harnam Singh;" and, denying the allegations against him, asserts (and this is his case) that he was in reality a Police spy. It does not appear, however, why the Police should have been anxious to drag in their own man; and

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there is no proof of counsel's assertion that accused fell out with certain Police officers. The accused, in his statement, admits living at times with Dewa Singh (L. C. C. ; and, in answer to question 8, makes a half admission of the truth of one of approver Jawala Singh's assertions. He makes out that he sent various reports to the Police as a spy.

Exhibit D. 9 is obviously of no use to accused. It is a *ruqa* from an Inspector of Police authorising accused to try and find a clue to certain murderers of *Zaildar* Chanda Singh (whose case was disposed of by this court), but the document bears date of 10th May 1915.

For the defence we have to see the answers to interrogatories of Bela Singh, shopkeeper (page 826); and the statements of D. Ws. 389 (Mr. Waite of the Police), 399 to 405 inclusive, 605, 897, 898 and 912. Bela Singh admitted knowing this accused, Dewa Singh (L. C. C. , approver Sucha Singh and the deceased approver (L. C. C.) Dalip Singh as ordinary customers; but he denied that they ever assembled at his place; and very naturally denied knowing anything about approver Umrao Singh and the bottle of acid. Mr. Waite states that on January 16th, 1915, accused was produced before him in Ludhiana and witness recorded his statement to the effect that Dalip Singh had told him of the purchase of bomb material, and that he himself had attended Badowal meeting. He told Sajjan Singh, *Lambardar*, that he would try to collect information; and was let go; but the witness says he never employed accused, nor regarded him as a spy D. W. 399 is Sajjan Singh, *Lambardar*, who produced accused (and Udham Singh of Hans approver introduced to him by accused) before Mr. Waite. This witness shows clearly enough that accused was merely "running with the hare, and hunting with the hounds"; accused's information was never full, and was usually late; and no arrest was made in consequence of information supplied. D. W 400 (the writer of *Exh. D.* 9) also says that accused never supplied any useful information; and his evidence relates to information given after the date of that *ruqa*. D. Ws. 401 and 405 inclusive have said what they could for accused; two of them trying to make out that approver Sucha Singh's relations got accused implicated out of revenge. D. W. 605 (brother of accused) says policemen often visited accused's house. D. W. 897 states that accused started a loyal society. D. W. 898 (a pensioned sepoy) supports *re* accused's loyalty; and recollects (curiously enough) travelling in a train on the 19th February, when he did not see at Mullanpur this accused, nor any men dressed in black. D. W. 912 (a pensioned Jamadar —really accused Randhir Singh's witness) says—"I advised the accused to assist in catching political offenders." This sort of evidence carries no conviction.

Defence counsel, amongst other things, urged that accused was a Police spy, who mixed with *Ghadr* men to entrap them; and that accused invented excuses page 357) to get away when anything was really going to occur. He urged that accused was implicated because he fell out with Police officers; again, simply because he was looked on as an incompetent spy; and ended by saying that accused did start in November 1914 as one of the *Ghadr* party, but that, later, his ideas changed and he became a Police spy. This latter suggestion is nearer the mark; but we cannot take counsel's view of it.

Counsel for the Crown has pertinently asked why this accused, for instance, did not get Nidhan Singh (L. C. C.) entrapped; and whether a Police spy would have deliberately seduced Sucha Singh approver? He urges that this accused was the originator of the trouble among the youths of Ludhiana.

On the view we take of the evidence against this man we are of opinion that the case is very similar to that of Dewa Singh, (L. C. C.); and for similar reasons we convict him under section 124 A, I. P. C., and sentence him to 4 years' rigorous imprisonment.

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40. Karam Chand, *Kohli*, son of Ganesh Singh, of Remgarh Street, Amritsar, aged 45 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 619), arrived in India (he says from Singapore) on the 9th August 1915. He was employed in the Railway at Shanghai and the complaint was mistaken *re* Hong-Kong He was interned on 19th August 1915.

He was identified on Jail parade by the following approvers and witnesses :—Mula Singh, Attar Singh of Tharu, and 304 (at a second attempt).

In Court by approver Jawala Singh, who was doubtful about him at the parade, and said he thought he had seen him at Shanghai ; and as the Court was rising pointed him out, saying that he knew him as the Babu whom he had seen in Shanghai. It is only fair to the accused to note that this accused is easily distinguishable from the other accused in Court by the kind of cap he wears ; and that, on the second occasion when Jawala Singh spoke about identifying him, the accused had resumed the wearing of that cap. Approver Mula Singh admittedly knew accused before.

Approver Sundar Singh (W G.) states that accused used to receive letters from America from the notorious Gurdit Singh of *Komagata Maru* fame) which accused Gujar Singh used to read out ; and that Gujar Singh told the witness that accused had received a letter from the notorious Sohan Singh (L. C. C.) from America to the effect that he was returning to India to raise a mutiny. This evidence, of course, does not show whether accused were a willing recipient of such letters ; and the value of the statement is discounted by the witness' admission that he did not know accused by sight.

The next witness is P. W. 140 (Dip Chand) ; who states that accused was Might Station Inspector in Shanghai when the witness was Travelling Ticket Inspector. He asserts that the accused received bundles of the *Ghadr* newspaper which he used to distribute to others, and recite himself ; and that accused was dismissed from his employment upon Police complaint. We view the statement of this witness with grave suspicion ; especially, since he admitted in cross-examination that the accused had reported to the General Manager of the Railway against the witness's brother on a charge of sodomy with a Chinese boy. Other points elicited in cross-examination appeared unsatisfactory ; and the witness admitted that, after his return to India on the 18th May 1915, he was himself restricted, and was questioned as to what he knew when he, presumably, came out with his story against accused.

P. W. 142 (formerly Assistant Jailor at Amritsar) made notes (*vide Exhs. P.* 9 *A*, 95 *A*, *small note, and* 95 *B* translation) of conversations with this accused in September and October 1915. The notes do not appear to be particularly incriminating ; and the original pencil notes are not forthcoming. The witness admitted that accused had complained to the Jail Superintendent about the supply of milk.

We cannot say that the statement of P. W. 304 impresses us much either. The witness, a watchman at Shanghai, who only identified accused at his second attempt on Jail parade ; and not in Court ; states that " a person called Kohli gave him a *Ghadr parcha* from a rickshaw, and urged him to join against the British, which the witness refused to do. (Certainly, a peculiar method of proselytizing !). He goes on to say that accused and others lectured at Shanghai ; and that Buta Singh was twice beaten for trying to stop them. This witness admitted that he, too, was restricted on his return to India; and that he only volunteered information when a *parwana* reached his village (Sur Singh) enquiring whether any one could identify " Kohli. "

Approver Jowala Singh (whose identification of this accused we have already remarked upon) has stated that accused used to receive and distribute the " *Ghadr* " paper at Shanghai. In cross-examination, he stated that he did not mention accused in his previous statement because he did not then know

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that accused had returned to India. He knew him in Shanghai as "Karmu Mul" with a house near the Railway Station. He only once saw accused distributing the "*Ghadr*"—outside the *gurdwara*—when accused gave him a copy, which contained an account of Har Dyal's having to give security. This witness says that the Consul at Shanghai threatened accused with deportation; and denies that accused got him (the witness) into trouble for drunkenness. Now, though we see no reason whatever to doubt the main facts of this approver's evidence; it must be admitted that he himself is anything but a person of unblemished character.

The really important witness, so far as this accused is concerned, is approver Mula Singh. He tells us that he stayed with accused in Shanghai; and that Nidhan Singh (L. C. C.) visited the witness there. Before sailing the witness "sometimes" talked *ghadr* with accused. On October 1st, 1914, accused brought 6 pistols and 600 cartridges, saying that they had been given by "a friend" of himself and Nidhan Singh for use in India. The pistols were automatic pistols. On October 2nd the witness made them over to Nidhan Singh on board the *Mashima Maru*; and, fearing arrest, returned to accused's house. On October 13th, the witness took Kashi Ram (Ferozshahr murderer) and Ram Rakha (absconding in L. C. C.) to accused's house, where they put up until they sailed on the 15th for Colombo. Cross-examined (page 340), the witness says that accused gave him the pistols at his house; the witness thinks in 3 cardboard boxes. The witness cannot give the name of the maker; nor opened the boxes when he made them over to Nidhan Singh. Accused gave them to witness of his own accord—not at the witness's request. In examination-in-chief the witness, at page 334, stated that at the time of Nidhan Singh's visit he had not spoken to accused about "his mission;" and on page 340 he states that, at the time when accused gave him the pistols, he had "not communicated his revolutionary designs" to accused. The witness then goes on to say that "he had no talk with accused *re* revolution—never heard him suspected during my stay in Shanghai—don't know if he was thought a traitor or a tale-bearer to Mr. Pope." He says that accused occupied the upper portion of a house in Shanghai; and some tailors the lower portion. The witness denies that he ever went to Pekin with Kanshi Ram; or that accused ever suspected him in connection with accused's Chinese servant.

Accused's statement commences at page 438; and, according to it, he was for 4½ years in Railway employ at Shanghai; and returned to India when the staff was reduced. He denies all allegations against him; and suggests that Sundar Singh, approver, invented the story about accused Gujar Singh's reading out letters—and in this connection we must bear in mind that Gujar Singh was a more likely person than this accused to have a letter from the notorious revolutionist Sohan Singh of Bhakna (being of the same village); and that it may have suited Gujar Singh to make out that the accused was the recipient of such letters, especially if he had any suspicions about this accused. The accused in his statement admits that he used to receive the *Ghadr* newspaper in Urdu gratis almost every week for 2 or 3 months (we know they were sent out broadcast and gratis); but says that he only showed them to his superior officer, Mr. Pope, General Manager, who used to send him on to Captain Barrett of the Police. (These two gentlemen accused has been unable to produce; Mr. Pope being, apparently, somewhere in England or France.) He asserts that his services were terminated with a 3 months' bonus; but of this we have no proof. He admits harmless talks with the Jailor witness; and says that he knew approver Jwala Singh at Shanghai as a *badmash*. He admits that approver Mula Singh put up with him for a few days (alleging his misbehaviour with a cused's Chinese servant); and says that Nidhan Singh (L. C. C.) did visit his house to enquire about some papers which accused had returned to their original trustee. He denies that Nidhan Singh, Ram Rakha or Kanshi Ram ever put up at his house He asserts that he has been implicated because the leaders of the seditionists knew that he used to report to Mr. Pope.

His supplementary written statement appears at page 446. In it he reiterates his remarks about approvers Mula Singh and Jawala Singh, and how

he used to give Mr. Pope information. He refers to his loyal services during the Chinese rebellion, for which he was awarded a medal by the Chinese Government at the instance of the British authorities.

The defence Exhibits are *Exhs.* D. 3, 4, 11 and 12. The first is a certificate from Mr. Pope; and the second is accused's service-book. D 11, dated 29th April 1914, concerns a grant to accused of the Chinese medal of the "Excellent Crop" for services rendered; and D. 12 purports to be a letter dated 10th February 1915 (*i.e.*, a date long after the commencement of the *Ghadr* campaign) from the Deputy General Manager to the effect that accused's services have terminated "on account of reduction in the foreign staff."

The defence witnesses are D. Ws. 70 to 72 inclusive, 111 and 534. The first three give accused a good character, and speak of his domestic troubles. D. W. 111 says nothing of value. The last is Diwan Some Nath, Magistrate, who said that some accused had complained that the Police had pointed out men on Jail parade, but that this was not so.

Counsel for the defence was told that we unanimously ruled the evidence of the prosecution witness Dip Chand out of consideration. He asked why accused should have distributed newspapers to illiterate men like Hari Singh and Jwala Singh; and as regards the remark in *Exh.* P. 95A—to the effect that accused used to hand the "*Ghadr*" paper over to his Indian brethren—he pertinently urged that a man of accused's education would not have been such a fool as to give himself away to an Assistant Jailor with whom he was not on the best of terms. He drew attention to Mr. Pope's writing of accused as a "loyal British subject," but we cannot agree with him that no one knows what happened to Nidhan Singh's pistols. We believe them to be those which Nidhan Singh had in false-bottomed buckets (*vide* approver Jwala Singh's evidence), and that they were afterwards used in the Ferozshahr murders. Counsel has urged that Mula Singh used to have a liquor shop near accused's house, and went to him as being a Punjabi and of the same district. He has pointed out that Mula Singh is uncorroborated *re* the pistols.

We have considerable doubts as to the guilt of this accused. Dip Chand is, in our opinion, a false witness; and the evidence of the other prosecution witnesses does not seem to us convincing. We do not attach much weight to the allegation about Mula Singh and the Chinese servant; but it may be true, and accused has had no opportunity to produce Mr. Pope, or witnesses from abroad. Mula Singh's statement is obviously not satisfactory; and we do not understand why Nidhan Singh was not given the pistols in Shanghai. Accused has certainly produced some documentary evidence in his favour, and there is the possibility that accused may have incurred the enmity of leaders of seditionists (of whom Mula Singh was one) by giving away information to officials.

In short, there is a considerable doubt, to the benefit of which accused is, of course, entitled.

We acquit him of all the charges framed against him.

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41. Karam Singh, son of Sundar Singh, of Kotla Ajner, Police Station Khanna, District Ludhiana, aged 25 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 621), is not a returned emigrant. There is a considerable volume of evidence produced against him. He was arrested on 28th August 1915.

He was identified on Jail parade by the following approvers and witnesses :—Sundar Singh (A. M.), Anokh Singh, Ichhar Singh, Indar Singh of Khanna and 227. In Court by Sundar Singh (A M.), Udham Singh of Hans, Anokh Singh, *Mt.* Nihal Kour, Teja Singh of Samrala, 27, 227 and 317.

Approver Narain Singh admittedly could not identify him.

This accused was the absconding accused No. 40 in the Lahore Conspiracy Case.

Approver Sundar Singh (A. M.) has a very long story about him, which runs as follows :—The accused was one of the workers in connection with a Girls' School, etc., started by the witness and P. W. 317 Ichhar Singh and others at Lohatbadi some 2 years back. About a month after the annual Sikh Conference at Jullundur, the accused comes to the witness' village (Ase Majri), and says that a resolution should be passed at the annual meeting of the *Gurmat Khalsa Dewan* (witness' institution) at Lohatbadi to send a resolution to the Viceroy about the Rikabganj *Gurdwara* ; and goes with the witness to Lohatbadi, where a small meeting fixes a date in *Har* for the aforesaid annual meeting, in order to pass the resolution. On the date fixed accused is one of some 500 persons assembled, who passed resolutions *re* (1) Rikabganj *Gurdwara*, (2) the proposed filling up of the Santok tank, (3) the filling of the Durbar Sahib tank at Amritsar from the canal instead of from the Water Works, and (4) the suggested ex-communication of Sirdar Sundar Singh *Majithia* and Sardar Bahadur Arur Singh of the Golden Temple. Accused was present at another meeting in *Asuj* at Khanna, where similar resolutions were passed, and at an annual meeting at Chamkor Sahib, along with the witness, accused Randhir Singh and others.

None of the aforesaid meeting was revolutionary in character ; but the witness tells us that at Chamkor Sahib the accused Randhir Singh told him and accused of a secret meeting held at Ludhiana, *re* the Rikabganj *Gurdwara*, and said that men were coming from America, and that arms were expected from Bengal ; and it was decided to obtain "suitable men" at the annual meeting at Fatehgarh Sahib (Sirhind), whither accused and the witness proceed with Randhir Singh. Later, the witness finds accused (whom he has described as his friend who usually lived at his house) at his (the witness') house in Ase Majri, and both of them go to Patiala to meet accused Kartar Singh and Indar Singh, absconder, and with those persons to Kala Singh to get arms, and the witness buys an iron-hilted sword for Rs. 5. Later, the accused comes with accused 17 Gandha Singh (sentenced by us to death in the Ferozeshahr murder case) to approver Ichhar Singh's *chaubara* in Lohatbadi on approver Narain Singh's camel with 5 swords, a dagger and a gun from the witness' house in Ase Majri ; and attends a discussion *re* the making of cartridges and gunpowder. Accused was present at a meeting about School matters on the 17th *Magh*, and afterwards at a *Ghadr* meeting where approver Ichhar Singh again suggests the Jhaner dacoity ; and himself starts for that dacoity (which took place on January 29th, 1915) armed with a sword. During that dacoity gold and silver ornaments of the loot are made over to accused, who goes outside the village to wait, but makes off, and is found early next morning at Lohatbadi *Gurdwara*, and returns with the witness to Ase Majri. Next day the witness sends accused to Sangrur to get back Rs. 180 given by the witness to Indar Singh, absconder, and accused Kartar Singh, in order to buy another gun. The accused returns next day (*i.e.*, about January 31st) saying that accused Kartar Singh wants the witness to go to Patiala, as it has been arranged to buy cartridges from a State Magazine at Rs. 10 per 100. Accused is sent by the witness

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to Lohatbadi to see what the Police are doing about the Jhaner dacoity, and returns saying that Nidhan Singh (L. C C.) and others are making bomb materials, and that he had offered his help to break up glass bottles (for use in bombs), but that all there had dispersed on account of the Police. Accused 17 Gandha Singh used to spend the night at accused's house. About the 10th *Phagan* the accused, witness and accused Uttam Singh buy for Rs. 4 in Patiala one brass and 2 white metal *garwas* for making bombs (*vide Exh. P.* 38). Accused, witness and accused Gandha Singh and Uttam Singh attend the *Granth Sahib* recital at Gujarwal at the house of Ram Singh Reservist taking the 3 *garwas* with them; and at the secret meeting held after it accused Randhir Singh says that much work is being done in regiments, and that the date for a rising will soon be announced. After the arrest of approver Narain Singh and Ichhar Singh, accused and accused Uttam Singh say they will go on making bombs at the house of Nand Singh of Kaila (L. C. C.) or Chuhar Singh of Lilli; and take over the 7 *garwas* lying at Ram Singh's house. Accused visits the witness (the same day as approver Udham Singh), and says that the Secret Police have visited Gujarwal, so he has joined Randhir Singh's party at Dhandhari; that Kartar Singh of Soraba (L. C C.) had come on a bicycle to Randhir Singh at Dhandhari, and communicated a date, probably February 19th, for a rising which was to take place at Lahore, Pindi, Ferozepore and all over India; that Randhir Singh had been spreading this information; that all were to assemble at Ferozepore Cantonment for a rising to start at midnight; and that there was no need to take any arms, as the Native Regiments there would supply them. Accused also told the witness that Randhir Singh wished men to assemble by small parties. This conversation, the witness says, took place on February 17th or 18th, and that he identified Kartar Singh of Soraba (L. C. C.) afterwards in the Central Jail, Lahore. The witness goes on to say that he and accused, after calling at Patiala to fetch accused 42 Kartar Singh, went on *viâ* Khanna and Ludhiana to Ferozepore. After the failure of the proposed attack there, accused, witness and Gandha Singh accused leave by Goliana station for home. About February 22nd, on hearing that Indar Singh absconder's house has been searched, the accused hides with witness in a jungle; and tells witness that the Maler Kotla Police have searched witness' house and taken away his two sons. The witness concludes by stating that accused was sent to Nabha to see Randhir Singh, who advised caution.

Now, this is a very long and very detailed statement and what is the cross-examination? The witness states (p. 164) that he cannot remember if accused was on the School Committee; that accused attended a *bhog* at his house; and that when the *amrit* was given to witness' son and grandson, accused was one of the *Panj Piaras*.

Approver Udham Singh of Hans says that accused was present at Lohatbadi meeting where the Jhaner dacoity was proposed, along with approver Sundar Singh A. M.), accused Gandha Singh, the Anarkali murderer, "Amli," Ram Rakha and Hari Singh (who was identified by witness in the Lahore Conspiracy Case). This witness corroborates the last witness that accused left with others for that dacoity; and returned after midnight with gold and silver ornaments. About 18th February the witness meets accused at Patiala station, who tells him that he attended the meeting at Dhandhari, where Kartar Singh (L. C. C) gave Randhir Singh and his party *ghadr* flags; and that several persons there were opposed to the idea of a rising, but that Randhir Singh persuaded them to join, for which rising the 19th had been fixed and the troops would join in. Accused and witness then go to the house of Sundar Singh (A. M.). Witness asserts that accused was present at the reed jungle assembly at Ferozepore on the night of February 19th (with regard to this incident, the witness added accused's name in our Court.).

There was no cross-examination of this witness.

P. W. 27, Indar Singh of Khanna (page 165), gives corroborative evidence that accused was present at Gurbachan Singh's *path* at Dhandhari, and at the secret meeting held after it when Randhir Singh (according to the witness) announces that a "*desh bhagat*" (the witness thinks, Kartar Singh of Soraba) wants every one to go for an attack on Ferozepore Fort. In

cross-examination the witness states that he himself was arrested on 24th or 25th October; that his wife (P. W. 39) was present at identifications in Ludhiana, and spent the night with him in the *thana*; but he denies that he was ill-treated by the Police. He corroborates that accused was one of the "*Panj Piaras*" at approver Sundar Singh (A. M.)'s *amrit* ceremony (page 166).

P. W. 39, *Mussammat* Nihal Kour, who identified accused in Court, has said that he went on with her from Ludhiana to Ferozepore when she went there searching for her husband (the previous witness) (page 214).

P. W. 40, Teja Singh of Samrala (page 216), corroborates that accused was present at the secret meeting at Dhandhari; and that he and Sundar Singh (A. M.) approver got on to the train at Ludhiana for the Ferozepore attack. The witness admits that he owed accused Rs. 3; but says he repaid it. Accused, he, and P. W. 27 were 3 of Sundar Singh (A. M) s' "*Panj Piaras*."

P. W. 226 (of Patiala) is produced *re* the sale of 3 *lotas* like *Exh. P.* 38. He says that 3 men came, but can only identify approver Sundar Singh (A.M).

P. W. 227 is the son of approver Sundar Singh (A. M.). He states that accused Gandha Singh, Khem Singh and another came on a camel; and that accused made over to them arms which had been with his father, and left with accused Gandha Singh. His father and accused returned from Lohatbadi; and later left with Khem Singh for a proposed attack on Ferozepore Fort. Cross-examined, witness said that accused had worked at his father's house, but denied that his father had any buffalo of accused.

P. W. 282 (who was a master of the Lohatbadi Girls' School) gives corroborative evidence that Sundar Singh (A. M.), accused, P. W. Ichhar Singh and others were at a meeting one day prior to the Jhaner dacoity. The witness saw a wooden box in the *dharmsala* there with swords in it. Cross-examined, the witness says that he left Lohatbadi after arrests had been made there; he never heard accused say that he ought to be dismissed from the school; but he did support P. W Ichhar Singh in a dispute with accused about some money brought by Dharm Singh for the school.

P. W. 315, approver Narain Singh, corroborates that accused took part (unarmed) in the Jhaner dacoity; and was entrusted with loot. He admittedly could not identify accused, whom he only saw on that one occasion at night; but states that approver Sundar Singh told him accused's name after he (the witness) had made a statement to the Police.

P. W. 317, Ichhar Singh, states that accused, Dharm Singh, Sundar Singh (A. M.) and others asked him to start a Girls' School; which he agreed to do, and financed it. There was a squabble with Dharm Singh for not giving accounts of money collected in the *Bar*. Witness goes with Sundar Singh (A. M.) and accused to Patiala to accused Indar Singh, absconder, and accused Kartar Singh; and Kartar Singh says he can make cartridges and get 2 guns. Accused returns with the witness, and accused Gandha Singh asks the witness to give Indar Singh Rs. 10 for materials for cartridges; and accused leaves with Sundar Singh (A. M.). On 17th *Magh* there is a meeting about school affairs; and after it a letter is brought from accused Randhir Singh. The letter has been identified by the witness as *Exh. P.* 172 *A*; it simply makes Randhir Singh's excuses for not attending. This witness also corroborates *re* the secret meeting about the proposed Jhaner dacoity; and about accused's starting for it, and returning with loot (along with "Amli"), which is made over to witness. Accused and Sundar Singh (A. M.) then go to Atalgarh, witness giving them Rs. 95 to get a gun. In cross-examination, the witness admitted that accused sided with Dharm Singh in the squabble about school accounts; and that accused wanted the office and Secretary of the institution to be at Maler Kotla. He admitted borrowing a tent from accused, which he did not return; but disclaimed any quarrel about the matter, and added that the tent did not belong to accused. We fail to see any good reason to believe that this witness concocted his story, which is corroborated in various details by other witnesses.

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Accused's statement will be found at page 440. He makes a general denial of all the heavy allegations against him; and says that from *Sawan* to *Magh* he was working at a place called Kala Jhar, and afterwards for 6 months at Phagrana. He denied Sundar Singh (A M./'s allegation that he "usually lived with him;" but says he once worked there for 1½ year. He denies that Randhir Singh talked seditiously after a non-seditious meeting at Chamkor Sahib; and admits that he went to Fatehgarh Sahib, though he denies that there had been any decision about looking for "suitable men" there.

His defence witnesses are D. Ws. 430 to 440 inclusive and 883. The first 11 witnesses are mostly from the Patiala State villages of Kala Jhar and Phagrana; and they give him a good character, testify to his having *bhogs* for the victory of the British arms; and generally attempt to support his story that he was away working in other villages for months, and so was not forthcoming when wanted. D. W. 883 (one of accused Randhir Singh's witnesses) simply pointed out accused as a man whom he had *not* seen at the *bhog* at Dhandhari

The Crown Counsel has pointed out that accused has not been charged in connection with the Jhaner dacoity as a dacoity (because not in British territory); but the Jhaner evidence has been led in connection with the offence of waging war. He points out that accused was an associate of accused 98 Uttam Singh; and contents himself with saying that there is a heavy case against this accused.

This is true; and accused's Counsel could say but little for his client, pointing out that some approvers did not identify him on Jail parades; and again arguing *re* the date of Anokh Singh's and Kartar Singh (Lahore Conspiracy Case)s' visit to Dhandhari, in so far as it affects this accused. As has been said in other individual cases, we have settled the matter of the date of that visit elsewhere in this judgment; and the argument has no force.

We are satisfied the accused was an active revolutionist, took part in procuring arms and munitions during the progress of the war, and procuring materials for bombs, was one of the men in the Jhaner dacoity, attended the Dhandhari meeting and was present in the Ferozepore raid.

We accordingly find him guilty under Sections 121 and 395, Indian Penal Code, and sentence him to transportation for life, and direct that all his property subject to forfeiture be forfeited to the Crown.

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42. Kartar Singh, *alias* Narain Singh, son of Bishan Singh, goldsmith of Patiala, aged 25 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 623), is not a returned emigrant. Accused himself asserts that his name is Narain Singh, and that he never is, nor has been, known as " Kartar Singh." The evidence produced against him is very similar to that given in the case against the preceding accused Karm Singh. He was arrested on 30th September 1915.

He was identified on Jail parade by the following approvers and witnesses :—Sundar Singh (A. M.), Bhagat Singh (who pointed him out, and asked him to unloosen his beard, which accused refused to do) and 227. In Court by Sundar Singh (A. M.) who said that accused was also known as " Narain Singh, " and 227.

P. W. 317 failed in Court to identify this accused.

The accused, like Sundar Singh (A. M.), is a *Tat Khalsa* Sikh; and that approver mentions him first as at a meeting in *Poh* at the Chamkor Sahib *Gurdwara*. Accused Karm Singh and the witness visit this accused and Indar Singh of Patiala absconder at Patiala to get arms; and all four go to Kala Singh, from whom the witness buys a sword for Rs. 5. Later, the witness goes with P. W. Ichhar Singh and Indar Singh, absconder, to accused's house; Ichhar Singh says that he wants a gun, and that a bomb-making party should be formed; accused agrees to make cartridges; and all return to Lohatbadi. Later, accused and Indar Singh, absconder, visit the witness and make over three swords and a dagger bought through Kala Singh, and say that Kala Singh can provide a gun for Rs. 35. Witness goes to Patiala and meets accused and Indar Singh and gives the latter Rs. 35 to buy the gun. Next day, accused and Indar Singh bring the gun, but no cartridges; and accused says he will make some. They tell witness that Kala Singh can obtain two more guns, and witness gives them Rs. 180 out of School funds (part of Rs. 285 deposited with witness out of Rs. 400 collected in the *Bar* by Dharm Singh and others). As they do not return, witness goes to Patiala, and finds accused has gone to Sangrur (so Indar Singh, absconder, says) to buy a gun. A few days later witness again goes to Patiala, and finds that accused and Indar Singh, absconder, have gone to Lohatbadi (apparently, in response to a letter from P. W. Ichhar Singh, saying that Randhir Singh would attend a meeting there *re* the Girls' School). Accused was not present at the discussion at Lohatbadi *re* the Jhaner dacoity, and witness heard that he had been sent to witness' house to fetch swords and arms. Accused, however, attends a meeting at Ichhar Singh's *chaubara re* the making of cartridges and gunpowder; and himself offers to make cartridges; and goes to Sangrur with pieces of brass (brought by Indar Singh, absconder) to make them with the help of his father. At Patiala Indar Singh, absconder, tells the witness that he has made over Rs. 100 out of the Rs. 180 to accused's father for purchase of a gun. Indar Singh and accused 17 Gandha Singh visit the witness, and tell him that 15 *tolas* of gold from P. W. Ichhar Singh have been made over to accused. Accused is one of those summoned by Randhir Singh to Gujarwal, and goes with Indar Singh, absconder, to the house of Ram Singh, Reservist, taking the white metal *garwas* got in Patiala. Later, the witness visits Indar Singh absconder, and accused at Indar Singh's house in Patiala; and they tell him that the 15 *tolas* of gold have been sold in Patiala at a reduced rate, but the money has not yet been paid. The witness asks about the Rs. 180; and they try to put him off, telling him that Rs. 100 have been given to accused's father, and Rs 20 to Kala Singh of Patiala; but eventually Indar Singh makes over Rs. 50, and the witness tells them to arrange to buy other arms. Soon after, accused and Indar Singh, absconder, come to witness with three swords and a 5-chambered revolver; and say that some belts obtained have been hidden because they were watched when leaving Patiala. Accused, and a man whom witness saw in the Central Jail, went to Patiala and retrieved the bundle of belts. On 19th February 1915 the witness, on the way to Ferozepore, calls for accused at Patiala; but finds he has left the previous day. Ac-

cused joins the train with Randhir Singh at Mullanpur. After the failure of the Ferozepore plan, accused leaves with Randhir Singh and his party ; and about February 22nd he warns the witness that Indar Singh absconder's house has been searched by the Maler Kotla Police ; and conceals himself with the witness in a jungle. Next day he is sent by the witness to Randhir Singh to find out what is happening.

Now, this is a very long and detailed statement, but what does the cross-examination of this witness amount to ? (*Vide* page 163.) The witness (like several others) denies that he was ever shown any photograph of this accused ; or that accused's girls were ever pupils at the Lohatbadi School. He did not enquire the price for which the 15 *tolas* of gold had been sold. He visited accused at his old shop (page 201). There is certainly nothing to be got out of this in favour of accused.

The prosecution witnesses Nos. 47, 54, 220, 278, 287, 301 and 10—that is to say several Police officials including Mr. Scott,—all deny that they have seen photographs of this accused.

P. W. 226 (of Patiala) corroborates *re* the sale of 3 *tolas* like *Exh. P.* 38 to 3 men ; but could only identify approver Sundar Singh (A. M.) as one of the three.

P. W. 227 is the son of that approver ; and remembers accused and Indar Singh absconder bringing a pistol and some belts ; also 3 swords. To the Police this witness gave up the belts, the swords (*Exh.* P. 40 *A. B.*) and the pistol (*Exh. P.* 39). He says that his father gave accused money for arms. Cross-examined, he could state nothing of any real value.

P. W. 317 Ichhar Singh gives corrborative evidence to the effect that the accused, Karm Singh and Sundar Singh (A. M.) visited accused and Indar Singh at Patiala; where accused said he could make cartridges, and could arrange for 2 guns. He returned with the witness who gave Indar Singh Rs. 10 for cartridge materials ; and accused Indar Singh and accused 17 Gandha Singh left with those materials. Indar Singh tells the witness that cartridges can be got through accused's father at Rs. 10 per 100. This witness in cross-examination admitted that he could not identify accused in court (he was obviously not anxious to identify any one) ; and did not know whether accused was referred to in the cypher note-book, *Exh. P.* 171, which cypher (he says) he and this accused Indar Singh, absconder also of Patiala), agreed on. Some explanation regarding the cypher given by this witness will be found at the top of page 324, and the words "*Unis ke tyari*" (readiness for the 19th), are significant.

Accused's statement commences at page 446 He has all along asserted that he is known as Narain Singh; has never been known as "Kartar Singh;" and that this is a case of mistaken identity. He denies all the allegations against him; and denies all knowledge of the cypher (*Exh. P.* 171) which was found on search of Indar Singh, absconder, on the 22nd February 1915 (*vide* P. W. 311). The cryptic words in it—*Garrbe Banaune*"—were explained by witness Ichhar Singh as meaning "to make jars for big bombs." Accused states that he was arrested on different occasions by the Patiala and Jind Police, but was released after reference to the Police authorities in British territory; that the British Police saw his account-books and returned them, as no entries *re* gold transactions were found; and that he has probably been mistaken for some other Kartar Singh

The defence witnesses are D. Ws'. 677 to 683, 726 to 752 inclusive and 1043. The first batch are Jind State witnesses, who assert that accused has never been known by any other name than that of Narain Singh; and that he used to have a shop at Sangrur, Jind State, but some 6 years ago set up as a goldsmith in Patiala.

D. Ws'. 726 and 727 are Jind State Police officials who knew of accused as Narain Singh. They admit that accused's photograph was taken during investigations; and we have it along with certain correspondence which

will be mentioned later. Their evidence, which is somewhat lengthy, need not be discussed in detail, and will be found at page 788 ; but the gist of it is that " Kartar Singh, son of Bishan Singh" was at first wanted by the Police ; that enquiries from Bishan Singh appeared to show that his 2 sons were called Sukhdev Singh (*vide* D. W. 739) and Narain Singh ; and that correspondence with the Punjab Police later intimated that " Narain Singh" was not required. The reason for this will appear hereafter. The remainder of this batch of witnesses give unconvincing evidence to prove that accused's sole name is " Narain Singh ;" that on the 19th February (8th *Phagan*) he was in Patiala ; and that at the end of January (about the time of occurrences at Lohatbadi) he was in Sangrur (*vide* D. W. 736 druggist). D. W.'s 741 and 752 assert that accused is not a *Tat Khalsa* Sikh. D. W. 739 is Shibdev Singh (of Sangrur, now of Patiala), brother of this accused. He gives evidence to corroborate other witnesses *re* accused's being ill about the 6th *Phagan*, and about the same time making ornaments for D. W. 743 which were delivered on the 10th *Phagan*. He produces deeds to show that accused was known as " Narain Singh." Cross-examined by prosecution counsel, the witness admitted that he himself had taken the *pahul* (and he was wearing the steel wristlet or *kara* before us in Court) ; but he actually denied knowing whether his brother had taken the *pahul*, though saying accused was not of the *Tat Khalsa*.

D. W. 1043 (wrongly entered at page 828 as D. W. 1041) is the Inspector-General of Patiala Police. He stated that one Narain Singh *alias* Kartar Singh (he could not identify accused in Court) was arrested ; but was released as he was not then wanted by the Punjab Police. The witness refers to the telegram dated 21st April 1915. He does not recollect seeing any photograph of accused ; but refers to another telegram of April 26th, 1915 (the time of starting of the Lahore Conspiracy Case) from the Superintendent of Police, Ludhiana, to the effect that accused was not wanted in the Lahore Conspiracy Case, not being a British subject. The answer to interrogatories of Sardar Bahadur Sardar Shamsher Singh, Chief Minister of Jind State, will be found at page 827, and require no discussion here.

Exh. D. 47 consists of 3 prescriptions put in to support the story of accused's illness ; and *Exh. D.* 49 of deeds, etc., to prove that accused's name is " Narain Singh." *Exhs. D.* 46 and 73 (with photograph) consist of correspondence with State Police.

We are not in any way impressed with Defence Counsel's argument that there has been any mistake of identity. Approver Sundar Singh (A. M.) and his son were able to identify him both on Jail parades and in Court ; and the former knew him by both names. There is no evidence produced whatever to show that there is some other person, " Kartar Singh, son of Bishan Singh, of Patiala ;" and in our opinion, the explanation *re* the official correspondence is clear enough. It is urged that Ichhar Singh witness failed to identify ; but he was none too willing a prosecution witness and is only said to have seen accused twice. Counsel admits that Sundar Singh (A. M.) did not invent a false story out of enmity, but says he invented it because he knew that some " Kartar " Singh was wanted ; and he says that he does not suggest that the photograph was shown to witnesses in order to tutor them, but that having seen it they said that accused was not the right man. We cannot accept the suggestion.

The Crown Counsel, whilst urging that there is a heavy case against this accused, has explained the correspondence clearly enough. The State officials were at first informed (in reply to their information that a " Narain Singh son of Bishan Singh " was forthcoming), that this accused was not wanted, for the reason that the prosecution knew that he was not a British subject, and, at the time of the correspondence, it was not known that any offence had been committed by him in British territory.

The accused, not unnaturally, has endeavoured to turn these happenings to his own advantage ; but we are in no doubts about his case ourselves, and we think the Crown Counsel is probably also correct in suggesting that in

the *Ghadr* party some of the revolutionists were known by their *Tat Khalsa* names in place of their *Amrit* names.

Our finding is that the accused is sufficiently identified as the individual whose actions are testified to by the prosecution witnesses.

We are satisfied that the accused was an active revolutionist, abetted the waging of war by supplying and procuring arms and ammunition during the progress of a war; and, by joining in the Ferozepore raid, committed an act of war.

We accordingly find him guilty under section 121, Indian Penal Code, for abetment of waging war and waging war; and sentence him to transportation for life, and direct that all his property liable to confiscation be forfeited to the Crown.

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45. Kesar Singh, son of Mangal Singh, goldsmith, of Sur Singh, Police Station Khalra, District Lahore, age 25 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 625), reached Colombo from Shanghai by the *s.s. Mashima Maru* on October 25th 1914. He was arrested on 14th September 1915; and his confession was recorded the following day by a Magistrate. We shall also have to consider in connection with him the confessions of 2 co-accused. He was identified on Jail parades by the following approvers and witnesses :— Sundar Singh (W. G.), Natha Singh, Balwant Singh (saw him at Shanghai), 15 Jagat Singh (pointed him out), Umrao Singh (thinks he saw him at Shanghai), 177 and 171. In Court by Sundar Singh (W. G.), Natha Singh, Kala Singh, Balwant Singh (" a man of Sur Singh—on my ship "), 15 (not know name—at Jhar Sahib) and Umrao Singh (saw him at Shanghai on *Mashima Maru*).

Approver Sundar Singh (W. G.) states that he was in the Municipal Police with accused at Shanghai; and that he afterwards saw him at Tarn Taran *Masya* asking the date of the rising. Accused was at the Jhar Sahib assembly of November 26th; entered in Khairon notebook (*Exh. P-I*), took part in the Sarhali *Thana* attempt and went on to the *zamindar* of Dhun. Corroborative evidence *re* this accused is also given in connection with Khairon, the Jhar Sahib and Sarhali, and Dhun, by approvers Natha Singh and Kala Singh—the latter of whom in cross-examination said (page 113) that he saw accused also at Tarn Taran, and that he spoke sedition at the Jhar Sahib.

Approver Balwant Singh says that accused left the Shanghai Police for the purpose of joining the *Ghadr* cause. P. W. 15 (Jagat Singh of Bhure) cross-examined, says that he first saw accused at the Jhar Sahib. It will be noticed, of course, that the above witnesses were not cross-examined so as to elicit reasons for their speaking falsely against accused.

P. W. 174 (of Dhun) corroborates that accused was in Dhun in November 1914 with approver Natha Singh; and that one Khanda Singh fed them there. P. W. 177 (*Mahant* of Chamba) says that accused was one of a *chavi* gang near Budda well (Natha Singh's mob).

P. W. 210 (*Granthi*, Kasur) produced a register (copy of entry and translations are *Exh. P.* 105 *A. B. C.*) showing that accused and accused Mangal Singh, of Waltoha stopped at a *dharmsala* in Kasur on December 1st, 1914. Accused said he had come from Talwandi. (The accused Mangal Singh admitted, on hearing this witness's statement, that he did stop there on that date). According to the prosecution, this occurred when people were wandering homewards after the abortive assemblies at the Jhar Sahib.

P. W. 193 (a *lambardar*, states that accused returned to his village from abroad at *Dewali*; and was told to report his arrival, but left next day. He returned 10 days later, and was told to go with the *chaukidar* and report; but sold his house and left the village. The witness cannot say whether accused reported himself later (the accused, of course, says that he did report with Sandu *Chuhra* and others in the *hot* weather).

This accused is mentioned in the confessions (retracted, of course) of co-accused Teja Singh of Bhikewind, Thakar Singh of Thatian and Ganda Singh (15) *Nihang*. The latter mentions him as at Khairon, etc., and later as one of those who took tickets for Ferozepore. Teja Singh mentions him in connection with Khairon, Sarhali, Dhun and the riverside. Thakar Singh's confession is corroborative.

Accused's own confession to a Magistrate will be found at page 450. All we need say here is that it fully incriminates him, and corroborates various approvers; and that in it accused mentioned that Lal Singh of Bhure had provided him with a *chavi* (*vide* P. W. 177, *Mahant* of Chamba, *re* the *chavi* gang near Budda well).

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Accused's statement before this Court will be found at page 448. He says he returned to India because his parents had died, and there was no one to look after the property; and denies knowing Nidhan Singh of the *Mashima Maru*. (In his confession he said he returned on account of *Ghadr* influence, and mentioned Nidhan Singh). He says he was maltreated into making a confession. He says he spent some ten days in his village, and then sold his property there (compare prosecution evidence) because he had no woman to cook for him. He denies the allegations against him; says that many of his people have died of plague; and that he was arrested simply because he happened to be a returned emigrant.

This accused produced no defence witnesses.

His counsel urged that he was a tool in other people's hands; and that in his confession he said that in India he joined the revolutionists under threats. He does say that he at first refused; but that he joined when accused Jindar Singh (who had come on his ship) visited him.

We see no reason to doubt that he came from abroad to help in the *Ghadr* movement; and sold up his property very soon after his arrival to leave himself more free; but we should not call him at all an important accused. He was one of a mob.

We are satisfied on the evidence that this accused returned to India to subvert Government, that on his arrival he attended fairs seeking orders, and participated in the Jhar Sahib-Sarhali array.

We find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be foreited to the Crown. As, however, his part in India is a comparatively minor one, we recommend him to mercy, and that the penalty of forfeiture be not enforced.

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43. Kirpa Singh, son of Jawahar Singh, of Laung Majri, Police Station Anandpur, District Hoshiarpur, aged 27 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 627), was one of the men in the 26th Punjab Infantry.

During the present trial he was removed from the dock for a short time by the prosecution, who wished to test his value as a possible approver—finally, however, deciding on approver Teja Singh, formerly of the same Regiment. He was arrested on 13th October 1915.

The prosecution evidence is, of course, largely the same as was produced in respect of the other accused 26 48 and 66 of the same regiment, but we must add that approver Anokh Singh, though he described this accused to the Magistrate, failed to identify him in Court.

P. W 34 Jamadar Buta Singh (26th P. I.) states that accused was one of those who used to attend seditious lectures in Hong Kong *Gurdwara* (page 207); tried to get discharged, and was eventually sent to India. Accused 26 Harnam Singh mentioned him to witness as one of those ready for mutiny. The witness, cross-examined, says that accused was in his company at Hong Kong, but was not his friend; and that he (the witness) was only sent to the Depôt in India because he quarrelled with Subadar Mal Singh. He says that accused was on duty at Ferozepore Hospital when he was dismissed the Regiment on 19th February 1915.

P. W. 35 (Captain Cargill, 26th P. I.) tells us that accused was one of those who arrived at Karachi with a draft in July 1914; and was one who had either to apply for a discharge, or be discharged compulsorily (page 209). He was eventually dismissed the regiment on February 19th, 1915.

P W. Bhan Singh told the witness that other men dismissed on the 19th had returned with accused Labh Singh (captured in the lines) on the 20th; but that he was not certain whether this accused had been one of them.

P. W 36 (Subadar Muaz Khan, 26th P. I) despatched accused with a ticket in Ludhiana direction on the morning of February 19th.

P. W 37 Sepoy Bhan Singh (26th P. I.) reported to the Jamadar witness that accused Labh Singh had mentioned this accused as one ready for mutiny. He did not himself see accused on February 20th; but Labh Singh, who returned to murder Captain Cargill and the Jamadar, told witness that accused had returned with him. Witness only saw 3 men in the distance.

P. W. 38 (*Mistri* Mohn Singh, 26th P.I.) says nothing special about this accused.

P. W. 10 (Mr. Scott), cross-examined, speaks regarding the idea of making accused an approver; and admits that accused said that Jamadar Buta Singh had implicated him and others to save himself.

P. W. 344 (Madho Singh, Head Clerk of the 26th P. I. Depôt) states how this accused and the accused 26, 48, 66 and others tried to stir up trouble at Karachi and Ferozepore Depôts. Our remarks on his evidence in the separate case of accused 26 apply, and need not be repeated.

P. W. 239 (Luggage Clerk, Phagwara) produces *Exh. P.* 111, railway-receipt, for accused's bedding, from Ferozeshahr to Phagwara, dated 19th February. Accused took delivery at Phagwara on the 20th.

Approver Anokh Singh (see our previous note *re* identification) states as follows :—On the 18th February 1915, he and Kartar Singh of Soraba (L. C. C.) visited accused at Ferozepore Military Hospital, where accused was "pretending to be ill" (witness at first said "was ill"). Kartar Singh, told accused that he had come about the business about which he had talked to accused in Hong Kong; and accused fetched accused Labh Singh, and Phuman Singh, and told them that the *Ghadr* would start on the 19th. Kartar Singh gave accused and the others copies of the "*Ghadr Sandesa*" to distribute; and accused puts up Kartar Singh and the witness. Next morning accused is informed that he has been dismissed the regiment, and will be sent to Jail if

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he returns to cantonments. Accused then tells Kartar Singh and the witness to make out that they are relations of his come to enlist; and promises to meet them the same night at the Railway Station. Accused is sent off towards Ludhiana; but they meet him again the same afternoon, accused saying that he got out at the next station and returned; and all 3 go to the station to await the Ludhiana party (Randhir Singh's) expected by the 9 P.M. train. On their arrival, accused guides one of the 3 groups to the Rifle Range; and is sent back to the station by Kartar Singh, to await the return of the other dismissed sepoys—and does not return till morning. On the way to the station on 20th, the witness and his companions meet accused, who says that he was arrested by a Military Guard and taken before an officer for trespassing, but explained that he had been detained in Ferozepore to settle up his accounts. He leaves with accused Labh Singh (this point is noticeable), saying that he will join the others next day at Lahore. All that was elicited in cross-examination (page 248, was that the witness had altogether seen accused for about 5 hours.

Approver Teja Singh, of course, belonged to accused's Regiment; and was originally accused 92, to whom this Court tendered pardon. His story runs as follows:—At Hong Kong in 1914, this accused reads out the "*Ghadr*" to the witness, accused Phuman Singh and other; and the same evening tells them that Jamadar Buta Singh had received the paper from America, and also mentions a proposal to murder Subadar Harnam Singh for making reports to officers. Accused suggests getting men in the Regiment to form a party; and some are won over to the *Ghadr* cause. Accused is sent from Ferozepore Depôt to Poona for a signalling course; and on his return is given by Jamadar Buta Singh 2 or 3 copies of the *Ghadr* for another regiment and to read to Hospital orderlies. Ten days after accused's return from Poona, the witness meets him with a stranger, whom accused introduces as his *bhaiband* and sends to the witness' quarters for food; and later, accused tells the witness that the stranger was a *Ghadr* emigrant who had promised to bring someone to teach bomb-making. A few days later accused calls the witness to the Hospital-quarters, where he finds assembled the Jamadar, Sarda Singh Clerk, and a person who, from his description, appears to have been Pingley (of the L. C. C.); and notes are taken of how to make bombs, and the Jamadar is asked to prepare men for a rising, a date for which will be communicated. Accused keeps accused Phuman Singh (in Lahore on duty *re* Reservists) informed by letter about *Ghadr* matters. This witness adds that accused told him in Jail that approver Anokh Singh and Kartar Singh (L. C. C.) had visited the Lines. Cross-examined, the witness says that before accused left the dock, he told witness that he had a mind to turn approver and would omit the witness's name. Accused was a signaller, and Jamadar Buta Singh was Signalling Officer; but accused was only under him in Kohat. He denies any enmity with accused; and says that when he offered himself as an approver, he had no knowledge that accused had been declined as such. He adds that it was Jamadar Buta Singh who sent accused to the Ferozepore Hospital, where one of his duties was to record the names of visitors; and that the Jamadar was himself suspected of seditious proclivities.

We, of course, bear in mind the position occupied by this witness before he turned approver.

The accused's statement and supplementary statement will be found on pages 454 and 564 of the record.

He denies all seditious tendencies and revolutionary activities; and accuses Buta Singh and Teja Singh of having falsely implicated him. He admits trying to get his discharge for personal reasons, says he was on hospital duty in Ferozepore on account of ill-health, admits his discharge and alleges that the reason he booked his luggage from Ferozeshahr on the 19th February was because the railway officials made him do so, and denies it was with the object of returning to Ferozepore—a thing he denies having done. In his supplementary statement he asserts he was sent back to India in charge of prisoners, and not with a view to discharge; and was employed on responsible duties after his return; and asserts that after being first arrested he was let go as he was innocent.

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The real reason for his release was a doubt at the time whether he could be indicted before the Civil Courts for acts committed while in military service.

In defence he has produced or examined 20 witnesses called by other accused. D. Ws. 696, 697, 699, 700, 953 and 972 depose to his good regimental conduct, and assert he never returned to Lines after discharge. D. Ws. 959, 961, 964, 965, 966, 967 and 969 depose to seeing accused on the 19th February far away from Ferozepore, too far for him to have returned that night. D. Ws. 960 970 and 971 (father of accused) depose to accused's efforts to get a discharge for family reasons; and D Ws. 962, 963, 964, 966, 967, 968, 971 and 976 give him a good character in his village.

In argument Counsel for defence attacks the regimental crown witnesses; points out that Captain Cargill and Buta Singh do not say accused tried to induce men to refuse to return to Hong Kong from Karachi, notes accused was out of the dock for a month; and relies on *Exh.* D. 76, a record which shows accused's father had a case, for help in which he may possibly have wanted accused to be discharged.

He also urges that several witnesses of the Regiment could not be called in defence as the Regiment has gone on field service; and that except Anokh Singh the other approvers do not refer to accused as being in the reeds, and he fails to identify them.

We accept Counsel's contention that the story that accused said he had returned to Ferozepore to kill Captain Cargill is embroidery.

Counsel also urges accused would not have tried to get his discharge, had he wished to disseminate sedition in the Regiment, an argument which has little force in it, when we consider there was always a possibility of the regiment going on service; and he finally urges accused was made a Lance-Naik on account of good services.

We exclude altogether from consideration the fact that at one time accused was thought of as an approver; and there may have been mixed motives for seeking a discharge; but on a consideration of the whole evidence we are satisfied that accused was an active revolutionist in the Regiment, that he was present with Pingley and Kartar Singh, in the hospital discussing plans; and actually returned after discharge to Ferozepore to participate in the rising of the 19th February.

These acts amount to abetment of war and mutiny and the waging of war, and we accordingly find accused guilty under sections 121 and 131, Indian Penal Code, and sentence him to transportation for life; and we direct that his property, liable to forfeiture, be forfeited to the Crown.

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48. Labh Singh, son of Ram Singh, of Chak Walian Dakhli Kasur, Police Station Kasur, Lahore, aged 30 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 628), is another of those accused who formerly belonged to the 26th Punjab Infantry.

He is at present serving a 3 years' sentence of imprisonment under the Arms Act (date of sentence 9th April 1915). The evidence against him is to some extent the same as that discussed in the cases of accused 26 Harnam Singh and accused 46 Kirpa Singh, and we adopt such remarks as may apply to this case.

P. W. Jamadar Buta Singh alleges that accused attended seditious lectures at Hong Kong (page 207). He was dismissed the Regiment on February 19th; but was found next morning in the Lines and was arrested in possession of a *chavi*-handle, of which a Pathan sepoy (not now forthcoming) had snatched the blade from accused. The blade fitted the handle; and appeared to have been recently sharpened. Accused was in the witness' company in the Regiment at Hong Kong, but was not his friend. Bhan Singh (P. W.) told the witness that 3 other dismissed sepoys had returned with accused. The witness denied knowledge that accused owned a gramophone ; there was one in the *gurdwara*, but it was not accused's special charge.

P. W. 35 Captain Cargill states that accused was one of the draft which returned in July 1914, and had either to apply for a discharge or be compulsorily discharged. He was discharged on February 19th ; and was captured next morning in the Lines. The witness corroborates *re* the *chavi* head, etc. Accused admitted to the witness that the stick or handle belonged to him.

P. W. 36 (Subadar Muaz Khan) despatched accused on 19th February with a ticket in direction of Kasur. Accused did say he wanted to get his clothes from Lahore ; but witness did not give him a ticket for that place. He never heard that accused had returned after his dismissal in order to fetch a musical instrument.

P. W. Bhan Singh (sepoy of the same Regiment) states that he was told by Jamadar Buta Singh to enquire about emigrants who were believed to be tampering with the men ; and he enquired from accused, who said that Kartar Singh (L. C. C.) had visited the Lines ; and mentioned certain accused and others. Witness reported to the Jamadar. Accused said that Kartar Singh had been in the Lines one night ; and was to be met again in a jungly place. After accused had been dismissed from the Regiment, witness saw him in the Lines ; and accused told him he had returned to kill the Jamadar and Captain Cargill ; and the witness warned the Jamadar. Accused had a *lathi* with him ; and said that accused Phuman Singh, and Kirpa Singh, had returned with him—but only pointed out 3 men in the distance. Cross-examined (page 212) the witness denied that he was related to accused.

P. W. 38 states nothing worth mentioning.

P. W. 171 (Inspector Lamacroft, Ferozepore) speaks as to accused's arrest under the Arms Act on February 20th, and the subsequent conviction (*vide* record *Exh.* P. 101).

P. W. 344 (Madho Singh, Head Clerk) gives general evidence *re* troubles and incitements at Karachi and Ferozepore Depôts ; he was not cross-examined for this accused.

Approver Anokh Singh, who described this accused to the Magistrate but failed to identify him in Court, states that on February 18th, 1915, this accused and accused Phuman Singh were fetched by accused Kirpa Singh to Ferozepore Military Hospital ; where Kirpa Singh told them that the witness and Kartar Singh (L. C. C.) had come about the business already talked about at Hong Kong, and that next day was the date for a rising.

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Accused offered to get hold of the key of the Armoury ; and Kartar Singh gave out copies of the *Ghadr Sandesa* for distribution. Accused was dismissed the Regiment, and despatched in the direction of Lahore ; and, on the morning of the 2[illegible]th, the witness and his companions meet accused, who complains of not being met at the station the previous night by accused Kirpa Singh, and leaves with Kirpa Singh, promising to rejoin next day at Lahore. Cross-examined (page 247) the witness says that he only saw accused once by night (when he promised to bring the key) and once by day.

Approver Teja Singh (originally accused 92, to whom this Court tendered pardon), of course belonged to the same Regiment. He says that accused was won over to *Ghadr* ideas in Hong Kong in 1914 ; but that accused was *not* present at the meeting at the Ferozepore Hospital at which Pingley and others were present.

The accused's statement and supplementary statement will be found on pages 456 and 560 of the record. He denies all seditious tendencies or revolutionary activities and accuses Buta Singh, Jamadar, of having involved him owing to enmity on account of money due to him. He admits seeking discharge but alleges he desired to resign for family reasons ; and while admitting he was found in Lines on the 20th February, the day after his discharge, he denies having had a *chavi* blade in his possession, and asserts he returned to get some belongings he had left behind. In defence he has produced or examined 10 witnesses called by other accused.

Niaz Ali (D. W. 696), Jai Singh (D. W. 697) and Munshi Singh (D. W. 699) give the accused a good regimental character.

Fauja Singh (D. W. 700) states accused's belongings were left with him in Ferozepore, who heard that accused returned on 20th February to get them ; and Labh Singh (D. W. 958) gives evidence of no import.

D. Ws. 1037, 974, 1038, 1039, 1040 depose accused came to his village and stayed there the night of his discharge ; and only went to Ferozepore next morning for his belongings.

In argument, Counsel attacks the reliability of the regimental witnesses for the Crown, points out that on return to Karachi the General Officer Commanding did not consider there was sufficient ground to discharge him and relies on the witnesses to an *alibi* on the night of the 19th.

There is little to be said for this accused : he was, we consider, one of the active revolutionists in the 26th Punjabis, engaged in fomenting mutiny ; and actually returned to Ferozepore after discharge to participate in the rising of the 19th.

Reference has been made to some alleged discrepancies in Buta Singh's statement in the Arms Case, where we can detect no serious ones ; and in any case that former statement cannot be used, and witness was never confronted with it.

The acts committed by accused amount to the conspiring to wage war, abetment of waging war, the abetment of mutiny and the waging of war, and we accordingly find accused guilty under sections 121, 121-A, and 131, Indian Penal Code ; and we sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.

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49. Labh Singh, son of Bur Singh, of Waltoha, District Lahore, aged 22 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 630), was arrested on the 18th September 1915. He was brought to Amritsar on September 19th, was sent to Jail on the 21st ; was sent for again on the 23rd (page 378) ; and his confession was recorded by a Magistrate on September 24th, 1915.

He was identified on Jail parade by approver Natha Singh (not by name) and P. W. 185. In Court by the same persons (Natha Singh saying he had seen him at the Jhar Sahib) and approver Kala Singh.

Approver Sundar Singh (W. G.) did not identify accused either on Jail parade or in Court.

Approver Sundar Singh (W G.), however, states that accused's name was entered in the Khairon note-book *Exh. P.* 1; and that he took part in the abortive attempt on Sarhali *Thana.*

Approver Natha Singh only identified him as "at the Jhar Sahib."

Approver Kala Singh says that he has known accused since the *Ghadr* started ; and that he saw him at the Jhar Sahib on November 26th with 2 or 3 other men whom the witness did not know. Cross examined (page 113) the witness denies that he and accused were ever in Jail or *havilat* together. (The witness denies that he ever spoke of accused as "Kesar Singh" to the Magistrate; and it was proved to our satisfaction that "Kesar Singh" on the Magistrate's record was an obvious slip.)

P. Ws. 165, 166, 167 (all of Waltoha) met accused along with accused 34, 56, 88 and 94 and others near the village a year ago. The prosecution suggestion is that they were all making for the Jhar Sahib ; but the evidence is worth very little, and one of the witness says he has had a quarrel with accused. This quarrel is admitted by P. W. 168 (Sub-Inspector of Waltoha), who arrested accused on the strength of the Khairon note-book, the statements of the above witnesses, and the statements of 2 co-accused, 56 and 88.

P. W. 185 is the son of Lal Singh, of Bhure (Lahore Conspiracy Case). He states that a few days after the *Masya* this accused and accused 56 Mangal Singh and 88 Suja Singh and Channan Singh (Walla Bridge murderer) read the *Ghadr* and discussing looting at his father's house. He denies that accused was in the *haviiat* with him ; and says that he only once saw him with accused 56.

P. W. 360 (Inspector Harkishen Singh of the Criminal Investigation Department) denies that he ever promised accused that he should be pardoned.

Accused's confession to a Magistrate (we bear in mind that it has been retracted) will be found at page 458. It is quite short, and implicates accused as at the Jhar Sahib, Khairon and Sarhali. It is noticeable that he said therein that he and others parted from the persons who went on to the riverside ; and that not a single approver attempts to implicate him after Sarhali.

His statement before us will be found at page 457. He says his confession was induced by Police ill-treatment ; he has never even seen the Jhar Sahib ; and that P. W. Channan Singh of Bhure and approver Kala Singh got to know him whilst in custody—the latter *getting himself scratched* by accused! He asserts that Jhanda Singh and Ishar Singh (Waltoha witnesses) are his enemies ; that his nephew has been killed at the Front ; and that he himself was unable to walk for 4 months on account of a fall from a horse. He put in a written statement (page 472) containing further details about this accident.

He relied on (in respect of alleged enmity) ***Exhs. D.*** 44, 71 and 72.

D. 44—Are pound receipts in respect of cattle, 19th July 1915, on report of Jawahir Singh.

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D. 71—Is a case in which Khushal Singh sued Mangal Singh, son of Mul Singh, and others and obtained a decree of his claim on 22nd June 1905.

D. 72—Is a criminal case— Crown per Jhandoo *versus* Saudagar Singh. Lal Singh. Goordit Singh. Magur Singh. Kesar Singh. Fattoo. Mehr Chand.	Charge under sections 324, 148, Indian Penal Code.

The accused were sentenced to imprisonment on the 4th November 1915. These cases need not detain us.

The defence witnesses to be seen are D. Ws. 504, 506, 508, 512, 514, 535 and 646 to 661 inclusive. The first five of these say that accused and accused Suja Singh are on bad terms; the idea being that they could not possibly associate. But even if this were true, it would not necessarily prevent either of them joining a common gang for a common purpose like *Ghadr*. D. W. 535 is the Magistrate who recorded accused's confession; and his statement does not disclose that there was anything objectionable about the proceedings. The remaining batch of witnesses are as to character; as to the aforesaid enmity with co-accused Suja Singh; some of them corroborate as to the fall from a horse, and as to accused's relations at the front; and D. Ws. 652 and 653 attempted to treat accused's ankle. The evidence is quite unconvincing; and so were the few remarks made by his Counsel.

We are satisfied on the evidence that this accused look part in the Jhar Sahib-Sarhali array, and discussed revolution with other revolutionists. We accordingly find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property liable to forfeiture, be forfeited to the Crown.

As, however, he is a minor person, we recommend him to mercy and also that the penalty of forfeiture be not enforced.

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50. Lal Singh, son of Udhe Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 28:—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 632), is not a returned emigrant. He was arrested on 1st July 1915.

He was identified on Jail parade by Udham Singh of Hans and Bhagat Singh (approvers) ; and in Court by the same two persons (Bhagat Singh at first wrongly identifying accused Attar Singh as him), 40 Teja Singh of Samrala ; and 27 Indar Singh of Khanna, who stated that he did not identify him on Jail parade, " because his *aql* told him not to."

Approvers Sundar Singh (A. M) and Anokh Singh did not identify him either in Court or on Jail parade.

Approver Sundar Singh (A. M.) states that accused attended the *Granth Sahib* recital at the house of Ram Singh, Reservist, at Gujarwal, and also the secret meeting held after it. He tells us that, at that meeting, accused Randhir Singh said that much work was being done in regiments; and that the date for a rising would soon be announced. He says that accused was formerly in a Cavalry Regiment ; and that he joined the train at Mullanpur, with Randhir Singh's party on the 19th February. Nothing was elicited in cross-examination (page 163).

Approver Bhagat Singh corroborates on this last point; and both he and approver Udham Singh of Hans say that accused was at the reed jungle assembly at Ferozepore on the night of the 19th.

Approver Anokh Singh states that accused arrived at Ferozepore with Randhir Singh's party; and Bhagat Singh says that he left with Randir Singh's party from Phemi ka Kai Station next morning. Both P. Ws. 27 and 40 assert that accused attended the secret meeting at Dhundari held after Gurbachan Singh's *ath* Anokh Singh says that he knew accused before, because accused used to visit the Khalsa School with Randhir Singh; while Udham Singh says that accused used not to accompany Randhir Singh to *Akhand Paths* there.

P. W. 47 (Sub-Inspector Haidar Ali) (page 220) does not remember calling accused to the *thana ;* nor remembers accused being brought to Lahore to identify as a witness.

Accused's statement commences at page 459. He says that he was at one time in the 3rd Cavalry ; and took his discharge to look after affairs, as his 3 brothers were also in regiments. He denies all allegations ; says that he never left his village ; and that at the time when he is alleged to have been committing offences, he was engaged on building a house. He urges the loyalty of his family ; says that the approvers saw him at the *thana ;* and that he has been falsely implicated solely for the reason that he refused to give evidence against accused Randhir Singh and Mastan Singh.

In a supplementary written statement (page 472) he enlarges on the alleged reasons why approver Bhagat Singh can identify him; on the services of his relations ; and, for the first time, alleges quarrels with the witnesses Teja Singh and Indar Singh.

On pages 721, 722 (*Exh. D.* 17) will be found certificates of 1911 showing this accused (under the name of Sucha Singh) bore a " very good " regimental character. *Exh. D.* 41 (Randhir Singh's letter to another accused) has, of course, been relied on as upsetting the prosecution date for the Gujarwal *Path.* (We have discussed this elsewhere.)

The defence witnesses are D. Ws. 168 to 183 inclusive, and 589 Of the first lot of witnesses, D. W. 169 says accused served for seven years as " Sucha Singh." Others give him a good character ; and say that he has relations at the Front ; and was building a house during February 1915, the work going on for a month. D. W. 174, a pleader's clerk of accused's village, has tried to be specific as to dates. D. W. 183 is the Lal Singh mentioned in accused's written statement, who says he was arrested the same day as accused; but he is apparently not prepared to corroborate the story about approver

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Bhagat Singh's travelling in the same compartment of the train. D. W. 589 was a witness for other accused as well, and makes a general statement to discredit the Ludhiana Jail parade identifications of a Mullanpur pointsman; who, however, has not attempted to identify this accused.

Defence counsel could only urge that on different occasions certain approvers and witnesses had not identified accused. This does not look like tutoring; and approver Udham Singh of Hans identified accused in Court and twice on Jail parades. No reason whatever has been suggested why Sundar Singh (A. M.) should be speaking falsely.

We are satisfied on the evidence that the accused was present at the secret meeting at Gujarwal, and participated in the Ferozepore raid. We accordingly find him guilty under Section 121, Indian Penal Code, of waging war, and sentence him to transportation for life and direct that his property liable to forfeiture shall be forfeited to the Crown.

He is an ex-sowar, and but for that we would have recommended him strongly to mercy, as the part he took was small.

All however, we feel we can do in his case is to recommend his case for consideration and that the penalty of forfeiture be not enforced.

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51. Maghar Singh, son of Ram Singh, of Barar, Police Station Lopoke District Amritsar, aged 30 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 634), is not a returned emigrant. He was arrested on 17th October 1915.

He was identified in Court by approvers Puran Singh and Balwant Singh, both of whom belong to his village ; and others of the prosecution witnesses belong either to accused's village, or to neighbouring villages.

Approver Sundar Singh (W. G.) identified him wrongly as accused 87 Sundar Singh, in Court ; and approver Ganda Singh and Wasawa Singh, did not identify him either on Jail parade or in Court.

Approver Ganda Singh tells us that soon after the 19th February 1915, at a meeting at the Lahore Cantonment Rifle Range, Lance Duffadar Puran Singh told accused Prem Singh that his brother Fauja Singh and this accused would assist him (Prem Singh) to murder the Police spy Kirpal Singh,—that is, that accused was a *mistri* who would repair Prem Singh's pistol for that purpose.

Approver Puran Singh (referred to by the last witness), who speaks of accused as " his old friend," tells us that he met accused in the village and told him of the abortive risings at Lahore Cantonment and Ferozepore. Accused, who is both a carpenter and *hakim*, agreed to join the *ghadr*. The witness's story continued as follows :—Accused offers to teach the witness how to make bombs ; saying that he himself learnt from a Bengali in Lucknow ; but had forgotten one ingredient (apparently, sulphuric acid), which he had subsequently discovered again from a bomb brought by the Police Spy Kirpal Singh, which he (accused) had opened. (*N.-B.—Vide* the evidence *re* the bomb brought by the spy from Dadher to Lahore). Accused fetches chemicals, and pounds them, and experiments in front of witness and Fauja Singh, at the witness's house ; and explains the process of manufacture, saying that all the ingredients save one can be got from the *bazar*. He gives witness a small quantity of chemicals. The witness afterwards tells approver Wasawa Singh, that accused had taught him to make bombs. The witness corroborates the previous witness by saying that he told Prem Singh that Fauja Singh and accused would point out the Police spy and Bela Singh, *zaildar*, to be murdered ; and that accused could repair the pistol. Later on, Fauja Singh, tells the witness that accused *has repaired* the pistol. Later, it is decided at a Rifle Range meeting that Prem Singh and a man brought by him and called " Arjan Singh " (alleged by the Prosecution to be the absconding accused 71) shall kill the spy and *zaildar* Bela Singh, getting in touch with the spy through accused. A few days afterwards, Fauja Singh tells the witness that he and " Arjan Singh " have met accused *re* the murder of the spy ; and witness thinks that Fauja Singh also said that Prem Singh had also arrived at accused's house When the witness Wasawa Singh and Fauja Singh visit accused Hira Singh of Charar they tell him that accused can make arms, and should be given pecuniary help *to prevent his having to take work in ordinary workshops.*

There was no cross-examination (practically,—*vide* page 127) of this approver.

Approver Wasawa Singh corroborates by saying that Puran Singh told him that he had learnt bomb-making from accused and his own brother Fauja Singh. This witness also corroborates as to the suggestion that Prem Singh should seek accused's help in killing Kirpal Singh, spy, and getting his pistol repaired. He also corroborates *re* accused Hira Singh's being asked to assist this accused pecuniarily and says that Hira Singh said he could send accused to work in his Burma Arms Factory ; and would give him a letter to be posted in a special post-box in Burma, which would reach a Burma branch of the *Ghadr* party. Cross-examined (page 123), the witness states that he has never seen this accused ; and adds that Puran Singh spoke of him as a very

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competent bomb-maker. We are quite unable to see why this witness should have concocted his story so far as the post-box is concerned, or how an ordinary man like himself should have invented the item about the special post box; but, so far as accused is concerned, see our subsequent remarks.

Approver Balwant Singh, who speaks of him as "a carpenter and *hakim* of my village," states that after his (the witness's) release from arrest, the accused brings him a message to meet Prem Singh, accused, in the village *gurdwara*. Cross-examined (page 145), the witness says that he does not know that accused treated Puran Singh's wife, and had a quarrel about fees. (The question naturally arises—"Why was Puran Singh himself asked nothing about this?") The witness further says that Kirpal Singh, Police spy, gave evidence in a case about the murder of one Jai Singh, *Mahant*, and that all the accused in that case, including one Sohan Singh, were acquitted. He never asked this accused to put a bomb in Sohan Singh's house. He says that accused told him that Prem Singh, was the man whom Puran Singh had sent to him to have a pistol repaired.

P. W 25 Achhar Singh corroborates as to Puran Singh's telling Prem Singh that accused could repair his pistol. The witness did not know accused before, nor ever went to him.

P. W. 137 states that accused's house adjoins his. During *Chet*, accused brought accused Prem Singh to be put up for the night, and Prem Singh admitted that he had come to kill the spy. The witness told accused that such an act should not be committed; to which accused replied that at present there was no chance, Cross-examined, the witness cannot say what part of *Chet* it was. He admits that accused does a little work as a *hakim;* and says he *heard* of a dispute about fees on account of Puran Singh's wife. Similarly, he *heard* of a dispute with Sohan Singh, whom accused treated. Accused is a *tarkhan*, not a *lohar*. Sohan Singh and Fauja Singh (he says) are *on the worst of terms;* and the witness admits that he himself would like to see Sohan Singh dead! He says accused left the village after Fauja Singh's arrest and release.

P. W. 199 is Fauja Singh, *lambardar*, of Barar—cousin of the Police spy He states that *about Poh* (probably in *Magh*) he witnessed this accused and Puran Singh making a bomb which was tested. Cross-examined, he admits that he has enmity with Sohan Singh, who got his *lambardari* suspended; but he does not know whether accused (who does a little work as a *hakim*) treated Sohan Singh. He never asked accused to procure a miscarriage in the case of his relation, wife of the spy's brother; nor knows that Sohan Singh brought the Police to enquire into the matter. On the contrary, he heard whilst in Simla that she had died of cholera. He never heard of any intimacy between Sohan Singh and the spy's father's widow. Puran Singh's wife lived mostly with her parents, as her husband was with his regiment.

P. W. 323 (Habib of Madhoke) states that accused in *Chet* showed him a pistol for repairs; telling him he had a license; but the witness could not do such work. Gokal *Brahman* was present.

P. W. 324 is Gokal, who corroborates.

P. W 360 is Inspector Harkishan Singh of the C.I.D., who tells us that the names of the witnesses Habib and Gokal were obtained from accused himself.

P. W. 186 (a constable of Jammu) arrested this accused at Udhampur in Jammu on suspicion. Accused gave evasive answers: and had no tools with him. Cross examined, he says that accused at the *thana* said he had come from the Amritsar District; and admits that there is a big timber-yard at Badawal or Badrawah whither at one time accused said he was proceeding.

P. W. 180 (Circle Inspector) searched accused's house on May 28th, 1915. and found empty miscellaneous cartridge-cases (*Exh. P. 94 B*), and phials like *Exh. P.* 29. The *fard baromaagi* is *Exh. P.* 94 *A*. In an adjoining

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house (said to be that of a relation) was found *Exh. P. 94 C.* (alleged to be a rifle-cartridge gauge). Accused was *chalaned* under the Arms Act; but was discharged with a warning by a District Magistrate, apparently under a misapprehension of the Law.

P. W. 131 (*lambardar* of accused's village) corroborates as to the search; and corroborates P. W. 137 on the point that accused left the village on the arrest of Fauja Singh. He says that accused was arrested for a second time in *Bhadon*. He cannot say whether the cartridges fitted the spy's pistol; and admits that the accused does a little *hakim's* work.

Accused's statement commences at page 460. He admits knowing P. W. Puran Singh as a co-villager, but says he is no particular friend (Puran Singh, at Court identification had called him "his old friend)." He denies all allegations of guilt; and says he only knows carpenter's work (*i.e.*, could not repair a pistol). He admits having been twice arrested; but says he had left the village prior to the arrest of Fauja Singh. He admits being arrested at Udhampur in Jammu territory; but denies having given evasive answers. He admits that the empty cartridge-cases were found in his house, but says they belonged to the Police spy Kirpal Singh, who, after pretending to make up a previous quarrel, got him to take charge of them during the spy's absence at Simla as a witness. (This story, of course, is not very convincing). He says that he practises *hakimi;* and that he had many phials of medicines at his house, and that some of the full ones were returned to him by the Police. As regards enmity, he says that he was treating one Sohan Singh (the person whom P. W. 137, Bir Singh admitted that he should be "glad to see dead"), and that Puran Singh and Fauja Singh wanted him to put a pistol into Sohan Singh's house, which he refused to do. He says that Kirpal Singh afterwards taxed him with having got Sohan Singh to lodge a petition. Also, that Puran Singh quarrelled with him about fees; and that he refused to give medicines to effect miscarriages in the cases of female relations of Fauja Singh and Kirpal Singh, spy.

Exhibits D. 14 *A* and *B* are two very illiterate certificates purporting to have been given to this accused by "S. Martini" and "P. D. Samuel', testifying to accused's skill as a *hakim*. They are dated during 1914, Secunderabad. The Government Advocate did not wish to object to their production (unproved); and even some prosecution witnesses have admitted that accused does some work as a *hakim*.

The defence witnesses are D. Ws. 80 to 86 inclusive and 454. The first of these tells us that accused does *hakim's* work; and that P W 199 Fauja Singh, *lambardar*, and Sohan Singh were on bad terms over a murder case; and accused has been treating Sohan Singh. He also supports the story of the enmity alleged between accused and Puran Singh and Kirpal Singh; and says that accused left the village owing to fear of this enmity. He says that, in the Arms Act case, Kirpal Singh admitted having given accused the empty cartridge cases. The record does not disclose this fact. It is very brief consisting, only of an order of discharge, with reference to a record of a case against one Fauja Singh, which has not been called for. The order of discharge was passed on the ground that empty exploded cartridge cases and a piece of lead, which might once have been a bullet, cannot be called arms or ammunition. The remaining witnesses of this batch give corroborative evidence on these points; and it is asserted that Kirpal Singh, spy was sentenced to 6 months' imprisonment for perjury in connection with the murder case D. W. 454 is to the same effect. D. W 82 is under security for bad livelihood; but it is a point to be noted in favour of accused that there was practically no cross-examination of any of these Berar witnesses.

This accused's counsel has certainly argued his client's case well; and it is certainly a good point that Kirpal Singh, spy, was never produced to support the story that accused had rediscovered a bomb ingredient from a bomb in the spy's possession. The evidence of P. W 137 (who would like to see Sohan Singh dead) does not seem to ring very true; and it is urged that

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most of the talk about accused's regaining the pistol went on in his absence. The enmity evidence is, of course, urged; and we are not prepared to say that it must be held a together false, while Fauja Singh himself is, most undoubtedly, a blackguard. The *fard ba amdagi* of the Arms Act case shows that a considerable number of medicine bottles were found, and there is attached to that record a receipt showing that some of them (presumably, full ones) were, as accused has said, returned to him. Defence counsel has argued that there are some discrepancies as to where Fauja Singh was given lessons in bomb-making; it is not shown that accused has been in Lucknow; and, as regards his capacity to repair a pistol, he had (according to the prosecution) to go to P. W 323 himself to try and get it repaired. It is quite possible that the talk with accused Hira Singh of Charar took place about the Burma Arms Factory (it could hardly have been invented); but this accused was not present at it. Counsel urges that the bomb-making lesson really took place on what he calls the "dynamite" occasion; and says that Sohan Singh could not be produced, because he has died. Approver Wasawa Singh could not even identify accused. He urges that his client left the village on account of enmity; and was arrested without any tools because he could have got them at the timberyard where he was going for work. (On this point, though Defence Counsel has not noticed it, we may note in accused's favour the statements of the witnesses for the prosecution who say that they urged Hira Singh, accused, to finance accused *lest he should be tempted to go off and get work elsewhere*). We are not impressed with the defence witnesses who have attempted to prove an *alibi* at the time of accused Prem Singh's alleged visit; but we do not think that accused needed such evidence.

Counsel for the Crown had really not very much to urge against these arguments; and our conclusions are that the guilt of this accused is certainly doubtful; it is possible, of course, that he may have been asked if he could repair a pistol; but apparently he could not, and did not, and the other evidence against him is certainly not free from taint.

We give him the benefit of this doubt, and acquit him.

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52. Maharaj Singh, son of Nihal Singh, late sowar, 23rd Cavalry aged 25 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 635), is one of the deserters from the 23rd Cavalry; and is at present serving a sentence of two years awarded him by court-martial.

Nearly all the prosecution witnesses *re* him belong to his old regiment Approver Kala Singh (who did not attend Jail parades) failed to identify him in Court. P. W. 112 wrongly identified him in Court.

Approver Mul Singh, *granthi*, states that on learning that accused and three other *sowars* had deserted to join a rising at the Jhar Sahib, he started to fetch them back.

Approver Ganda Singh states that accused, at Lance-Duffadar Lachhman Singh's quarters, made over the sword (*Exh. P.* 18 *C.*) to accused Prem Singh now under sentence of death in the Padri murder case. Accused attends a meeting at the Rifle Range when Lachhman Singh announces that the date fixed for a rising is November 23rd, 1914. Accused Sucha Singh tells the witness on November 27th that he intends to go to the Jhar Sahib with this accused and others; and finally, accused and Sucha Singh and Surain Singh, *sowar*, deserted together. Approver Puran Singh simply mentions the fact of desertion.

P. W. 21 Surain Singh says that *sowar* Indar Singh told him that accused had agreed to join the *Ghadr*; and accused confirmed this to witness at Lachhman Singh's quarters. Accused attends seditious meetings at the cemetery; and, at the Rifle Range on November 13th, he and the witness learn that accused Sucha Singh has got information that the date for a rising has been altered from the 15th to the 17th. Witness corroborates *re* accused providing accused Prem Singh with the sword, *Exh. P.* 18 *C.* The witness describes other meetings at the cemetery and Rifle Range at which accused was present; one of them being a discussion at the cemetery on November 26th, at which it was discussed whether those present should proceed to the Jhar Sahib mounted, or on foot. On the night of the 27th the accused deserts with the witness, accused Sucha Singh and Channan Singh; and reach Bhure, where approver Kala Singh feeds them at a well. Kala Singh tells them of the Khairon assembly, and of the intended attack on Sarhali *thana* and Tarn Taran Treasury; and they go to Tarn Taran; but, finding nothing doing there or at Khairon, they go to Dadher, where they meet accused Wasakha Singh. On the 30th they visit the Jhar Sahib and Bhure; and are fetched back to the Jhar Sahib by accused Bogh Singh's servant. On December 1st, accused Bogh Singh fetches them there himself; and it is decided to consult one Saddu, *pahlwan*; but a warning comes that the police are about; and on December 2nd the accused is arrested in the vicinity of the Jhar Sahib.

P. Ws. 195 and 196 testify as to the arrest of this accused, armed with his cavalry sword. P. W. 194 (*Mahant* of Shahbazpur) states that at the Jhar Sahib he tried to get accused (armed with a sword) and the other *sowars* to return to their regiment.

P. W. 141 (Risaldar Chaughat Singh of the 23rd Cavalry) speaks as to the desertion of this accused, accused Sucha Singh and approver Surain Singh, of his troop, on November 27th, 1914, with their swords; and he has identified *Exh. P.* 18 *C.* as the sword of Banta Singh of the regiment.

It need hardly be pointed out how serious might have been the consequences, had a number of men of the regiment been ready or able to follow the example of accused and his companions; and there appears absolutely no reason for doubting the testimony of the above witnesses; from whom nothing to shake their testimony was elicited in cross-examination.

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Accused's statement appears at page 462. He admits that he deserted with others from the regiment (for which he is serving a 2 years' court-martial sentence); but says that he was intoxicated with *bhang*; and that he had his sword with him, because he always wears it. He did not desert to the Jhar Sahib for *Ghadr*. He denies the other allegations against him, including that of providing the accused Prem Singh (sentenced by this Court in the Padri case) with the sword *Exh. P.* 18 *C*. He said that he would put in a statement in writing; but none has been put in.

His two defence witnesses D. W.'s 95 and 96 could say nothing for him. His counsel left him to the mercy of the court; urging that a court-martial had already punished him for the act of desertion, and that he had "really done nothing." We cannot agree with this view; and we do not believe accused's statement. Counsel for the Crown has asked for a sentence of death.

We are satisfied on the evidence that while in military service the accused became imbued with revolutionary ideas; handed over a regimental sword of a fellow-soldier to Prem Singh, one of the leading revolutionists, attended revolutionary meetings in his regiment; and deserted and went out to Jhar Sahib to join in rebellion. There is no doubt of his guilt,—a guilt which is only enhanced by the fact that he was a soldier.

His actions if they do not amount to an actual waging of war, are clearly acts of abetment or attempt at least, and we convict him under section 121, Indian Penal Code, and sentence him to transportation for life.

We also direct that his property, liable to confiscation, be forfeited to the Crown.

We do not pass a sentence of death on him, as we think he was probably acting under the influence of a superior officer who has been executed under order of court-martial.

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53. **Mahindar Singh, son of Nand Singh, of Dhudike, Police Station Moga, District Ferozepore, aged 38 :—**

This accused, who pleaded "Not Guilty" to the charges framed against him (page 637), reached India (he says, from San Francisco and Hong Kong) by the *ss.* "Kum Sang" on the 11th November 1914 along with accused No. 15 Ganda Singh *Vishang*. He was arrested on 17th or 18th June 1915.

His statement made to a Magistrate (page 465) does not amount to a confession ; but we shall have to consider later, with regard to him, the confessions of certain other co-accused.

He was identified on Jail parades by approvers Bachan Singh, Arjan Singh and Nand Singh ; and by the same persons in court. Approver Bhagat Singh and P. W. 58 did not identify him either on Jail parade or in Court.

Approver Bhagat Singh, however, states that about March 5th, 1915, (this, it must be borne in mind is the witness who kept the diary *Exh. P.* 15) this accused gave him Rs. 10 in accused Phera Singh's presence for the purchase of bomb chemicals (*vide* page 177 of record). On March 14th the witness leaves for Ahmadgarh to get chemicals ; and buys Rs. 7 worth. He promises to introduce one Channan Singh of Narangwal to accused and others on the 21st at Jitwal railway station, with a view to a dacoity at Ghalib. After the witness' arrest and release, he is taken by accused and accused Pakhar Singh, at Randhir Singh's request, to meet accused Ishar Singh in a jungle ; but they fail to find him ; and the witness is told by accused that arms are buried there, and asks accused for a pistol, but is told to come on the 31st when the "party will decide" whether he is to be given a pistol. (*Vide* the entry *re* Jitwal railway station, of March 21st at page 96 of the diary, *Exh. P.* 15—page 178 of our record). On March 31st (the entry in the diary of that date,—*vide* page 179—shows that witness was back in his village) this accused and accused Pakhar Singh warn the witness to make himself scarce ; and the same day accused Arjan Singh warns the witness that accused suspects him and contemplates his murder (the suspicion apparently arising from the fact that the witness had been released after arrest. Cross-examined (page 204) the witness explained that he made no entry of the Rs. 10 in his diary because the money was given to be spent, and not to be accounted for.

Approver Bachan Singh states that accused was one of the *Ghadr* men visiting his and Pakhar Singh's joint well. In *Jeth*, accused and Pakhar Singh called him and accused 63 Pala Singh to a culvert near Dangyan (the Daudhar assembly) to meet accused Ishar Singh, who, however, did not arrive. Accused on that occasion was armed with a *chavi*. Accused was arrested in *Har*, after the witness' release. Cross-examined (page 193) the witness admitted that accused is his collateral ; and that he had a case with him ; but is not prepared to say definitely whether his father had a boundary case in 1897. He admits that he and accused are at enmity ; and admits some, but not other, grounds alleged by the defence for that enmity. He admits that accused was restricted to his village prior to the *Ghadr* discussions at the well ; and, re-examined, says that the case admitted was with the witness' father, not with witness himself. This evidence is not, of course, as valuable to the prosecution as that given by Bhagat Singh ; but we have other evidence corroborating certain points in it.

Approver Arjan Singh tells us that towards the middle of February 1915 the accused brings him a message from accused Ishar Singh to go to Lahore and join Ishar Singh's party for a dacoity ; which the witness declines to do. About the end of the same month, a few days after witness has been restricted to his village, accused and accused Phera Singh came there, and talk *Ghadr*. Accused attends the Daudhar meeting of June 2nd *re* the proposal to loot Kapurthala Magazine on June 5th. Cross-examined (page 201) the witness says that accused and Pakhar Singh were entrained in the same compartment at Moga after arrest. He does not know whether accussed was Secretary of the Dhudike School ; nor did he (witness) apply to be a teacher there. He admits spending a night or two at Amritsar in the same *havilat* as accused.

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Approver Nand Singh (who at page 238, denied that he had ever quarrelled with accused) states that in early April 1915, this accused and accused Phera Singh (note the conjunction of names, though the date is different) come to approver Arjan Singh's; and the witness, finding that all 3 have left for Dhudike, follows them and takes part in a revolutionary discussion. He corroborates that accused attended the Daudhar assembly of June 2nd; and says that after his own arrest along with Arjan Singh, on the 17th or 18th June, he finds accused and Pakhar Singh, in Moga *havilat*, who warn him to say nothing about the Daudhar assembly.

P. W. 58 (page 224), states that accused talked sedition to him in Hong Kong: and that later approver Bhagat Singh visited him at accused's instance, asking him to join the *Ghadr*. He refused. He never met accused in India; nor was himself restricted. Cross-examined, he said that his talk with accused took place in the road; and that he did not sail with him from Frisco; nor steal accused's *kurta*.

P. W.'s 74 and 78 (the Dhudike *chaukidar*), testify to accused's visiting accused Phera Singh, at Dhudike School. The former denies knowledge that accused talked about his not paying to the school funds Rs. 500 sent by the witness' brother; and denies that he was fined 8 years ago at accused's instance, or that there was any dispute about a *chappar*.

P. W. 220 (Inspector Iqram-ul-Haq) states that accused was arrested on the 17th June; his house was not searched; and that he and others were kept separate from the approvers in the *havilat* at Amritsar.

This is corroborated by P. W. 287 (a Criminal Investigation Department Inspector), who further states that on July 24th this accused gave information that accused 63, Pala Singh, owned a Burmese *dao* (This was recovered—*vide* Ex. P. 53, and P. W. 31), and also gave information *re* certain persons who had gone to Kapurthala and on to Walla Bridge. Nothing of value to the accused was elicited in cross-examination of this witness.

The accused is mentioned in the confessions of two co-accused—Pakhar Singh (62) and 64 Pala Singh. The former mentions him in connection with approver Bhagat Singh, and says that accused gave him a *chavi*. Further, at the Chuhar Chak (Daudhar) assembly of June 2nd, 1915, but gives us to understand that he and accused were not at the Kapurthala assembly of June 5th, being both ill: and it is noticeable that the approvers do not try to make out that accused was at Kapurthala. Co-accused Pala Singh mentions accused at the meeting near Dangyan culvert (compare approver Bachan Singh), which took place a few days before the Daudhar meeting; and he, too, corroborates that accused never went to the Kapurthala gathering.

Accused's statement to a Magistrate (which can be used against him only) is at page 465. In it he mentions both those co-accused; corroborates different approvers on different points (not connected with his own case—Killi fair, for instance); mentions Dangyan culvert, Daudhar, and says that he did not go to Kapurthala "on the 5th June for waging war," as, on consideration at home, he thought it would be wrong—and that he did not go there on June 12th either in spite of persuasions.

His statement in this Court will be found at page 463; and a supplementary written statement at page 491. He says that his statement to a Magistrate was made on account of Police ill-treatment after 3 months in the *havilat*—a matter disposed of in the previous part of this judgment.

He says that he returned to India, his father having died, to get an *ex-parte* decree set aside; and appeared in Court on November 18th, 1914,—being later restricted and put on security. He admits visiting accused Phera Singh—merely as a member of a School Committee; and denies knowing approver Bhagat Singh, saying that the entry in that approver's diary *Exh. P.* 15, is due to the enmity of P. W. 74, Narain Singh, of Dhudike. He says he owns one-third of the same well as Bachan Singh, approver; and that

Bachan Singh is his enemy "from 3 generations." He also has enmity with co-accused Pakhar Singh He denies all the allegations against him. He gives a ridiculous reason for his being implicated in this case; namely, that the Police were annoyed because, when a Sub-Inspector sent for him, he flatly declined to go because the Deputy Commissioner had restricted him to his village. He says he was also arrested because he was a returned emigrant; and that on June 4th (the date, no doubt, is given in view of Kapurthala) a Police Officer refused to let him leave the village to get money from a Post Office.

In a lengthy written statement (page 491) he repeats his story about Police ill-treatment; and gives in detail allegations regarding quarrels with the prosecution witness Narain Singh over money matters connected with Dhudike School.

He again asserts old-standing enmity with approver Bachan Singh, and also enmity over alleged petty quarrels with approvers Arjan Singh and Nand Singh (the latter of whom was practically not cross-examined). He says that on the 22nd June (the date is obviously a slip, as he was arrested on the 17th or 18th) he was suffering from cholera; and the same day gave one Sewa Singh some concrete. He urges his non-identification by approver Bhagat Singh. This statement is obviously confused in regard to the names Dangyan, Daudhar and Chuhar Chak. The Dangyan culvert meeting took place a day or two before that on June 2nd at Daudhar (which is also referred to as Chuhar Chak).

The defence *exhibits* to be seen are *Exhs.* *D.* 19 and D. 45 (which we consider very doubtful.)

D. 19—(1) Is a civil case for possession of land by Hari Singh of Dhudike and Sundar Singh, Mohinder Singh, Mohan Singh of Dhudike; decree *ex-parte* dated 3rd October 1914, set aside and the suit dismissed on the 4th June 1914.

It is not shown how they bear on the question of enmity, etc. Parties are different.

(2) Suit by Kala Singh, Hurnam Singh of Dhudike *versus* Sher Singh, for possession of land; dismissed 7th April 1897.

(3) Suit for possession of house by Sher Singh against Sujan Singh Mehtaba, Mussammat Ramon, wife of Dip Singh, decree dated 23rd December 1880.

D. 45—Is a Death register, which is very suspicious.

The defence witnesses are 231 to 243 and 725. It is, of course, to be noticed that, though co-accused Pakhar Singh gave us to understand in his confession that he and this accused were ill at the time of the first Kapurthala assembly, this accused himself said nothing about his illness in his *oral* statement to us. However, his first batch of witnesses support the written statement about illness; but appear divided in opinion as to whether accused suffered from cholera, or merely diarrhœa. Some of them testify to enmity with Bachan Singh. The two *lambardar* witnesses had to admit that they had got into trouble for not reporting the absences of restricted persons.

D. W. 235 is one of those who speak of the death from cholera in *Jeth* of accused's cousin Ratna (also called, according to D. W. 233, "Nikka"); and the same witness supports the story about a quarrel with the witness Narain Singh over funds for the school (accused and the witness being members of the Committee) sent from America by Narain Singh's brother, which Narain Singh refused to hand over.

D. W. 725 is the *Chaukidar* of Dhudike, who asserts that accused was never absent from the village, he produced the entry showing that Ratan Singh died of cholera on June 6th, 1915, at which time (he says) accused was in the village. The Court at the time of his statement made the note on the record that this entry of *June* 6th was preceded by an entry of *June* 13th!

We were not impressed with the argument of Defence Counsel. It is urged that approver Bachan Singh has, admittedy, reasons for ill-feeling against accused; but the same is not the case with the other prosecution witnesses. Accused has never been charged with having been at the Kapur-

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thala meeting of June 5th ; and it is the prosecution case that it was only ill-health which prevented his going there; but we are in no way convinced by the defence evidence that accused was too ill to have attended the Daudhar assembly of June 2nd, when the attack on Kapurthala was decided on. Counsel for the Crown urges accused's own statement to a Magistrate; the confessions of two co-accused ; and, as regards non-identification by approver Bhagat Singh, points this out as a sign that that approver was not tutored, although he made the entry about Jitwal Railway Station on March 21st in his diary; and the name "Mahindar Singh" actually appears close to that of accused Phera Singh at page 83 of the diary — an entry of March 8th (*vide* page 177 of the printed record).

On a consideration of the evidence we are of opinion that it is established that accused conspired to wage war both in Dhudike and the culvert meeting. The latter meeting may possibly be technically abetting the waging of war ; but as we do not know what actual part he took in it, and as his part was not a very serious one in the case as a whole, we propose to convict him under section 121-A, Indian Penal Code, and sentence him to 3 years' rigorous imprisonment.

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54. Mahindar Singh, son of Narain Singh, of Majri, Police Station Khanna, District Ludhiana, aged 20 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 639), is not a returned emigrant. He was arrested on the 21st September 1915.

He was identified on Jail parade by approver Sundar Singh (A.M.), simply as a man from Majri (who was at Ferozepore), and P. W. 27 Indar Singh of Khanna. In Court by the same approver (by name and as of Majri), 27, 39 *Mussammat* Nihal Kaur and 40 Teja Singh of Samrala.

Approver Sundar Singh (A. M.) states that accused was present at the non-seditious meetings at Lohatbadi, Khanna (in company with accused Randhir Singh), and Chamkor Sahib. He was also present at the *Granth Sahib* recital at the house of Ram Singh reservist at Gujarwal; but this witness does not mention him as attending the secret meeting which followed it. The witness says that he met accused at Khanna Station on the way to Ferozepore on the 19th February 1915. Cross-examined (page 164) the witness says that accused accompanied accused 77 Santa Singh to a *bhog* at the witness' house and was one of the *Panj Piaras* when *amrit* was given to the witness's son and grandson.

P. W. 27 Indar Singh of Khanna, who mentions accused as present at the non-seditious meeting there, also asserts that accused was present at the secret meeting at Dhundari held after Gurbachan Singh's *path*, when accused Randhir Singh urged those present to go to Ferozepore for an attack.

The wife of this last witness, P. W. 39 *Mussammat* Nihal, Kaur, corroborates to the effect that accused and accused 77 Santa Singh went with her from Khanna Station when she went to Ferozepore searching for her husband, and adds that she went with accused to the reed jungle assembly, and that he actually escorted her home next day. Cross-examined (page 215) she denies knowing whether accused's father had a case with the father of Basant Singh of Majri.

P. W. 40 Teja Singh of Samrala, who corroborates *re* the non-seditious meeting at Lohatbadi, also corroborates Indar Singh on the point that accused attended the secret meeting at Dhundari; and he says that it was accused 77 Santa Singh who took this accused off to the proposed attack on Ferozepore. Cross-examined (page 216) he says that he (the witness) used to teach Basant Singh of Majri's son gratis; but that he knows of no disputes between him and accused's father.

Accused's statement appears at page 466. He denies all allegations of guilt; and starts his last answer to questions put by the Court by saying that he cannot say why he has been implicated; but he then goes on to allege enmity against Prosecution witnesses. He says that he and accused Santa Singh (77) went to approver Sundar Singh (A. M.)'s house for the *amrit* ceremony of his grandson (Sundar Singh admits this and says accused was one of the five friends) and that Sundar Singh attempted to set them against Government over the Rikabganj affair, and that he got angry because they refused to agree with him. As regards the 2 Prosecution witnesses Indar Singh and Teja Singh (who were not even cross-examined by him) he says that they undertook to take his sister to Basaur for education and *amrit;* but that they took her somewhere else, and by implicating him in the present case have prevented his finding her. He puts forward services in the war of some relations; and asserts that the co-accused Santa Singh complained of his not turning up to assist at the Dhundari *Akhand Path.* All we need say about this statement is that it would have been better unsaid.

The Defence witnesses are D. Ws. 441 to 452 inclusive, 603, 604, 891, 1030 and 1031. The first of them states thad he got accused enlisted, but that accused was discharged after some 6 months, being weak in jumping. He says accused has two uncles in the Army, and that one died on the way to the Suez Canal. He makes the bare statement that P. W. Teja Singh of Samrala teaches his nephew.

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D. W. 443, however, seems doubtful as to whether Teja Singh teaches *girls ;* but makes out that he saw (along with D. W 446) accused's sister being taken off " for education " by Teja Singh and P. W Indar Singh of Khanna — she then disappeared. This witness (a *teli,* whose house has been searched in connection with a theft) admits that accused's father stood surety for his brother. The remainder of this batch of witnesses attempt to support this absurd story of accused's sister (not one of them being a person entitled to any credence), and one or two say that accused has never worn " black clothes."

D. Ws. 603 and 664 give even more furtile evidence about the alleged disappearance of the sister (they are really witnesses for accused 77 Santa Singh), and one says that Santa Singh and this accused quarrelled with approver Sundar Singh because they would not help him in agitation *re* " a *gurdwara* "

D. W. 891 is really a witness for accused 10 Dalip Singh, but he is made to answer a useless question about accused attending a *path.* Having really closed this accused's case after the statement of D. W. 452, accused's Counsel thought it worth while to produce D. Ws. 1030 and 1031, who merely gave accused a good character.

Defence Counsel's argument amounted to next to nothing. There is no reliable, nor documentary, evidence as to the alleged abduction. Counsel's remarks were somewhat devoted to discussing the date of Anokh Singh's and Kartar Singh (L. C. C.)'s visit to Dhandari (a point we have discussed and decided elsewhere). After a little hair-splitting, Counsel urged that if accused went to Ferozepore on February 19th, he probably thought he was going to an *Akhand Path,* not to a rising !

In our opinion, all that can be said for accused is that he is not very old.

We are of opinion that the presence of the accused at the secret meeting at Dhandari where the subject of the Ferozepore raid was discussed was an act of conspiracy ; which materializing into action became an act of abetment of war ; and that his going to Ferozepore to attack the arsenal there is an act of waging war ; and we accordingly find accused guilty of waging and abetting the waging of war ; and of conspiracy to wage war under sections 121 and 121-A, Indian Penal Code ; but in consideration of his youth, and the fact that his activities were limited, we sentence him to transportation for life with a recommendation to mercy.

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but recommend that the penalty be not enforced.

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55. Mangal Singh, son of Jewand Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 32 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 710), is not a returned emigrant He was arrested on the 12th September 1915.

He was identified on Jail parade by approver Natha Singh and P. W 15 (who pointed him out). In Court by Natha Singh and Kala Singh (as seen by him at the Jhar Sahib prior to November 26th).

Approver Sundar Singh (W G.) did not identify him on Jail parade; and failed in Court, giving as a reason " lapse of time."

Approver Sundar Singh (W. G.) states that this accused's name is entered in the Khairon note-book, *Exh. P.* 1; and that he took part in the attempt on Sarhali *Thana*. He never saw accused until the Khairon meeting. To Defence Counsel the witness replied that he was also acquainted with Mangal Singh of Waltoha (accused 56).

Approver Natha Singh stated that accused was at the Jhar Sahib assembly of November 26th; and corroborated that accused was at Khairon and in the Sarhali attempt. Cross-examined (page 102) this witness admitted that accused is his cousin; and first denied, and then had to admit, a quarrel and litigation with accused's brother Lachman Singh He denied the allegation of his wife's intimacy with Lachhman Singh—but actually said that he did not know his own wife's name. He denied knowing whether one Bhai Ganda Singh was on security.

Approver Kala Singh (whose remark at Court parade was to the effect that he had *not* seen accused at the Jhar Sahib on November 26th) nevertheless in his statement before us said that accused was there on that date. He said that he had known accused only " since the *Ghadr* started;" that accused attended " *Ghadr* " pamphlet recitals at the Jhar Sahib; and attended a meeting at the house of Lal Singh of Bhure about 10th or 11th November (this the witness omitted to mention to the Magistrate). Called upon to *repeat* the names of 9 men at Lal Singh's house (page 113 – in cross-examination) the witness omitted accused's name He denied that he and accused were together in the *havilat*.

P. W. 15 Jagat Singh of Bhure, who (*vide* page 60 of the record) pointed out this accused on Jail parade of October 26th, 1915, stated before us that he did not know this accused; and that the only " Mangal Singh " he knows was accused 56, whom he had identified as " at the Jhar Sahib."

From the above it does not appear that any of the foregoing witnesses can be considered altogether satisfactory from the point of view of the prosecution

Accused's statement commences at page 467. Denying all allegations against him, he says that about the time of the alleged " *Ghadr* " recitals at the Jhar Sahib he was ill with fever for a month. He says that Natha Singh approver is his uncle; and repeats the allegations about which that approver was cross-examined. He also repeats the story about Natha Singh's *liaison* with a *Mirasan* (a story taken up by a number of accused). Accused ends by saying that he served for 10 years, and is loyal.

The Defence exhibits are *Exh. D.* 65 (a medical register, which is not very convincing; a large quantity of the entries appearing to have been written up at the same time); and *Exh. D.* 66, a discharge certificate showing accused's character as " exemplary."

The defence witnesses are D. Ws. 502, 615, 662, 1023 to 1028 inclusive, and 1036. The first (a pensioned Subadar) gives accused a good regimental character for some years; and the next corroborates. D. W. 662 is produced *re* the enmity with Natha Singh. The foregoing witnesses appeared really for other accused. D. Ws. 1023 to 1028 inclusive consist of the man who pro-

duced the register (whose character, admittedly is not above suspicion), who says he treated accused from November 8th to December 12th, 1914; and some other witnesses *re* the enmity with Natha Singh, who also repeat the story of the *Mirasan*. One of them, accused's brother, produced the discharge certificate. The last witness was only a witness produced to say that no pages appeared to have been interpolated in the register.

Counsel for the Crown has himself admitted that this is an arguable case; and we ourselves are not satisfied on the prosecution evidence as to the guilt of this accused. There is a doubt, to the benefit of which he is entitled.

We therefore acquit the accused.

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56. Mangal Singh, son of Mul Singh, of Waltoha, District Lahore, aged 40 :—

This accused, who pleaded "Not Guilty" to the charges framed, against him (page 641) returned to India some 3 or 4 years ago from Vancouver. He was arrested on the 12th September 1915.

We shall have later to consider with regard to him the confessions of several co-accused.

He was identified on Jail parade by approver Natha Singh (as at Khairon, etc.); and in Court by the same approver, approvers Sunder Singh (W. G.) and Kala Singh, P. W. 15 (by name and village) and P. W. 185

Approver Sundar Singh (W. G.) states that accused was at the Jhar Sahib assemblies of November 23rd and 26th; that his name is in Khairon note-book (*Exh. P.* 1); that he took part in the attempt on Sarhali *Thana*; and went on to the Dhun *zamindar*. Cross-examined, this witness says that he saw accused once before the occasions abovementioned. He had no talk with him. He saw him at the Jhar Sahib, along with accused 88 Suja Singh.

Approver Natha Singh corroborates *re* the Jhar Sahib assembly of 26th (accused was with some 4 men of his village); Khairon, with 4 companions; and Dhun. Cross-examined (page 103), he says he first knew accused at Khairon, but had seen him previously at the Jhar Sahib. He had identified accused and Kala Singh, of Jagatpur, on Jail parade before he saw them in Amritsar lock-up. He denied knowledge of the alleged abduction of his (the witness') sister.

Approver Kala Singh is another witness who asserts that accused was at the Jhar Sahib on November 26th; and he says (in cross-examination, page 111) that accused was a prominent speaker on that occasion. He knows that accused returned to India some years ago; but denies that he himself has any Canada-returned relations. He and accused were in separate rooms in the same *havilat*. He admits that accused is related to Lal Singh by marriage, that is, Lal Singh of Bhure, and the witness adds that, prior to that connection, the accused and Lal Singh used to associate for *Ghadr* work.

P. W. 15 Jagat Singh of Bhure helped Lal Singh to take food to the Jhar Sahib for the men assembled; and saw accused there (the witness's statement to a Magistrate is *Exh. P.* 24). The witness admits that he made a statement to the Police 4 days before his statement to the Magistrate; and that accused's village is some 15 *kos* from his—but says he knew accused before.

P. Ws. 165, 166, 167 (of Waltoha) say they saw accused and others together (presumably on their way to the Jhar Sahib); their statements are of but little value.

P. W. 168 (Sub-Inspector, Waltoha) arrested accused on the information of those witnesses, and on the strength of *Exh. P.* 1. He knows of no enmity between accused and accused Suja Singh

P. W. 185 is Channan Singh, son of Lal Singh, of Bhure (L. C. C.). The witness (who, of course, was not on good terms with his own father) is related to this accused; and says that a few days after the *Masya*, this accused and accused Suja Singh, and Labh Singh of Waltoha read the *Ghadr* and discussed looting at his father's house.

P. W. 210 (*Granthi*, Kasur) produced a register (*v Exh. P.* 105 *A.B.C*) showing that this accused and accused Kesar Singh stayed at the *dharmsala* on December 1st, 1914, saying they had come from Lahore. (This accused admitted at once in Court that he knew the witness, and had stayed there.) The prosecution allege that this occurred when people were wandering home after the abortive efforts at the end of November 1914.

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No less than six co-accused have named this accused in their (retracted) confessions—they are, Bogh Singh, 15 Ganda Singh, *Nihang*, Kesar Singh Labh Singh, of Waltoha, Sultan Shah and Teja Singh of Bhikiwind Their statements serve to corroborate the evidence of the prosecution witnesses and they mention this accused in connection with the Jhar Sahib, Khairon, Sarhali, Dhun and the riverside. Co-accused Ganda Singh, *Nihang*, and Teja Singh of Bhikewind both mention this accused in connection with the revolutionist Kartar Singh (L. C. C.); and the former says that accused had a private talk with him, after which Kartar Singh started for Ferozepore.

Accused's statement will be found at page 468. He denies all allegations of guilt; but admits stopping at the Kasur *dharmsala* (where, he says, his father's name was mistakenly entered as "Nand Singh" in the register), on his way back from a case at Lahore. At the end of his statement he makes allegations as to how various approvers and witnesses were able to identify him; and winds up by saying that he has been involved in this case (at Natha Singh approver's suggestion) simply because he is a relation of the notorious Lal Singh of Bhure.

Exh. D. 71 is a certified copy of Judicial proceedings put in to show the enmity existing between this accused and the father of accused Suja Singh. However, as we have said before, we cannot see that enmities of this kind would be sufficient to stop persons from joining a mob for a common purpose such as *Ghadr*.

The Defence witnesses are D. Ws. 504, 506, 508, 512 and 534. The first four are really co-accused Suja Singh's witnesses; and simply testify to this accused and Suja Singh being on bad terms. D. W. 534 is Diwan Som Nath, formerly Magistrate of Amritsar, who says he remembers no complaints by accused at Jail identification.

We are not prepared to accept the suggestion of accused's Counsel that approvers Kala Singh and Natha Singh concocted their stories at Simla simply because accused is a relation of Lal Singh of Bhure; and practically his other comments amount to this, that while Kala Singh says accused was a prominent speaker at the Jhar Sahib on the 26th November 1914, Sundar Singh and Natha Singh do not say so. This does not look much like tutoring; and moreover, it is perfectly probable that people sat about in groups at the Jhar Sahib, and that a speaker in one group may not have been heard by persons in another group. This point was put by Counsel for the Crown, who also urges that Natha Singh names him as heading a group of Waltoha men and points out that accused and co-accused Kesar Singh were still together at Kasur on the 1st December 1914. We have not been shown what the case was in the Divisional Court at Lahore, from which this accused has alleged that he was returning.

We are satisfied that the accused took a party of his co-villagers to the Jhar Sahib, and participated in the Jhar Sahib-Sarhali array in arms, where he was a prominent figure; and we accordingly convict him under section 121, Indian Penal Code, for waging war, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government. As, however, he took no part in the movement after the Jhar Sahib-Sarhali affair, we recommend him to some consideration.

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58. Mastan Singh, son of Mehtab Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 35 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 643), reached India, according to the emigration lists, from Canada along with accused Ishar Singh, Ranga Singh, Pakhar Singh and Uttam Singh by the *s s. Australien* on December 21st, 1914; and accused himself admits that he came from Vancouver. He was arrested on the 28th June 1915.

He was identified on Jail parade by the following approvers and witnesses :—

Sundar Singh (A. M.), who did not name him, but said he saw him at Lohatbadi and Ferozepore, Anokh Singh, Bhagat Singh, Udham Singh of Hans and 320 (pointsman . In Court by Sundar Singh, (A M. and Anokh Singh. Udham Singh did not identify accused in Court, and Bhagat Singh failed in Court, but said during his statement "I forgot to identify him."

Approver Sundar Singh (A. M.) states that just prior to the Jhaner dacoity (of January 29th, 1915) accused came to Lohatbadi with a message from accused Randhir Singh that the latter could not attend a school meeting there. Accused was at the *Granth Sahib* recital at Gujarwal at the house of Ram Singh, Reservist; and attended the secret meeting held after it. The witness is not certain whether accused joined the train at Mullanpur with accused Randhir Singh on February 19th. Cross-examined (page 163 the witness omitted accused's name *re* the Gujarwal meeting when told to repeat names, and said that he might have forgotten to mention to the Magistrate that accused was at the secret meeting on the roof.

Approver Bhagat Singh tells us that he first met accused at Randhir Singh's house. About 10 P.M. on February 19th, 1915, the witness finds him outside Ferozepore Station with Kartar Singh (L. C. C.), accused 17 Gandha Singh and others; and accused acts as a guide to a place of assembly. On the way home, after the failure, the witness sees accused in the train at Jagraon; and Randhir Singh sends accused and accused 23 Harnam Singh on from Mullanpur ahead from him, lest, being obviously emigrants, they should arouse suspicion. On the way Randhir Singh blames accused for promising to supply arms and men, and failing; and witness sleeps at accused's house on the 20th. On March 11th (*vide* the reference to accused of that date in witness's diary, *Exh. P.* 15) the witness visits accused to find out about the arrest of Nand Singh (L. C. C.); and accused referred him to Harnam Singh (23) telling him to call him to accused Jagat Singh, and there enquire from him. On the 13th accused tells witness to inform Harnam Singh of a meeting near Mour Railway Station, and witness returns for the night to accused's house. On April 22nd the witness sees accused at Dehlon Police Station and both are allowed to go home.

Approver Udham Singh of Hans states that accused Uttam Singh told him that accused was present at an *Akhand Path* at Narangwal, at which Randhir Singh and his party were present. Later, accused brings a letter from Randhir Singh to Lohatbadi at the time of a meeting at which the Jhaner dacoity was proposed. This corroborates Sundar Singh (A. M.), except that in cross-examination that approver said there was no letter—the discrepancy is not important. To continue, accused remains with the witness and P. W. Ichhar Singh at the *gurdwara* when others start for the Jhaner dacoity. On February the 19th, he is one of those assembled at Randhir Singh's house, and the witness meets him and Kartar Singh L. C. C.) that night outside Ferozepore Station, and accused acts as a guide to the reed jungle (compare the statement of approver Bhagat Singh). All that was elicited in cross-examination (page 206), was that accused used not to accompany Randhir Singh to *Akhand Paths* at the Khalsa School.

Approver Anokh Singh (who calls him both "Mastan Singh" and "Dhian Singh of Narangwal") corroborates that accused reached Ferozepore with Randhir Singh's party on February 19th; and states further that on the night of the 21st accused was at the assembly for the proposed attack on Doraha Bridge Guard. Nothing worth considering was elicited in cross-

examination (page 248). P. W. 320 (pointsman at Mullanpur) identified accused on Jail parade as one of those who entrained at Mullanpur dressed in black

Accused's statement commences at page 469. He denies that he is also known as "Dhian Singh" (we fail to see why approver Anokh Singh, who called him by both names, and who identified him on Jail parade and in Court, should have invented this). He says he returned from Vancouver because work was slack. Denying the allegations against him, he says that it is impossible for him to wear black clothes because he takes liquor. He cannot suggest why his name should appear in Bhagat Singh's diary, and admits that on April 22nd, 1915, he and Bhagat Singh were released from Dehlon *Thana*. He says that he was restricted to his village, and never left it; and that one Khushia Singh, *Sufedposh*, has influenced the Police against him; that at Amritsar the Police asked him to mention "somebody's" name, which he refused to do. He was seen at a *thana* by approvers Bhagat Singh and Udham Singh. On the 19th February his cousin Tota Singh's wife died; and on the 21st another relation at Choti Assi, apparently of plague. On the evening of the 21st he was, he says, taken before a Deputy Commissioner, and his thumb impression was taken on a paper.

Exh. D. 48 (restriction file) shows that accused was at Ludhiana on February 22nd, 1915, when his thumb impression was taken. *Exhs. D.* 22 and 62, however, are put in to show Death Register entries in connection with the two alleged deaths of relations; and (*vide* our notes at pages 819 and 734) the entries are suspicious and appear to show signs of alteration. They are produced to support *alibis* on the 19th and 21st February.

The Defence witnesses are D Ws. 150 to 167 inclusive, 281, 708, and 1003. The first batch mostly belong to accused's village; say that he has no *alias;* and testify to accused's loyalty and his relation's services Their testimony regarding the dates of the two deaths is not convincing, and D. W. 166 had forgotten to bring a Death Register when he first appeared before us. Both he and D. W 155 make the important admission that accused was not taken before the Deputy Commissioner until *February 22nd*; and we have a little vague evidence that the Gujarwal villagers have objected to a woman's settling down in a *gurdwara*. D. W. 281 is D. W. 166 recalled (*chaukidar* of accused's village), who later has produced a Register with suspicious entries, which has not been all along in his possession. D. W. 708 gives accused a good character; and D. W. 1003 is the same *chaukidar* recalled (D. W 166), who produces another suspicious Death entry.

We agree with Counsel for the Crown that there *may be* (on the strength of *Exh. D.* 48), a possible doubt about accused's presence at the assembly of February 21st *re* the proposed attack on Doraha Bridge; though we fail to see why Anokh Singh, approver, should have invented this assertion; and one witness, at any rate, D. W 155, says that it was on the *morning* of February 22nd that the *lambardars* took accused to the Deputy Commissioner. Still, the Crown does not wish to press this point; and it has been urged (we think, correctly) that, from the wording of Bhagat Singh's statement to the Magistrate, it is doubtful whether he mentioned this accused in connection with Doraha. The Defence Counsel has urged that there was nothing objectionable in the letter from accused Randhir Singh brought by accused, and that accused did not go on to the Jhaner dacoity. One of Randhir Singh's reasons, no doubt, for selecting accused as his messenger was that accused belonged to his village. The Crown Counsel has pointed out the class of co-accused who returned on this accused's boat.

We are certainly not satisfied with the *alibi* evidence *re* February 19th 1915; and, giving accused the benefit of the doubt as regards Doraha, we see no reason to disbelieve the evidence against him as regards other incidents.

We are satisfied on the evidence that accused returned to India, and on arrival took an active part in the Ferozepore raid It is unnecessary to give any findings on minor questions of fact. We find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life and direct that his property liable to forfeiture be forfeited to Government; but, as he is not an important person, we recommend him to mercy and that the penalty of forfeiture be not enforced.

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59. Nahar Singh, son of Thakar Singh, of Gujarwal, Police Station, Dehlon, District Ludhiana, aged 22 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 644), is not a returned emigrant. He was arrested on June 25th 1915.

He was identified on Jail parades by the following approvers and witnesses :— Sundar Singh (A. M.) (not by name, but as seen at a Gujarwal meeting and at Ferozepore), Anokh Singh, Udham Singh of Hans, Bhagat Singh, 43 and 44. In Court by Sundar Singh (A. M.), Udham Singh of Hans, Anokh Singh, *Mussammat* Nihal Kaur (not by name, but as seen at Ferozepore), 348 and 349 (students simply, that they knew him at school). Approver Bhagat Singh failed to identify him in Court. He is probably another of Randhir Singh's satellites.

Approvers Surdar Singh (A. M.), Udham Singh and Bhagat Singh all assert that accused was at Mullanpur Station with Randhir Singh's party on the 19th February; and the two latter say he was at the reed jungle assembly. Sundar Singh omitted his name when repeating a list in cross-examination. Anokh Singh says that accused arrived at Ferozepore on the night of the 19th with the party of Randhir Singh (from whom he had received the *pahul*); and Bhagat Singh says that accused was with Randhir Singh's party at Phime-ke-Kai station on the morning of the 20th. Both Udham Singh and Anokh Singh were fellow students of accused; and both deny (pages 206 and 247) enmity.

P. Ws. 43 and 44 say that accused was present at the secret meeting at Gujarwal. The former admits (p. 218) that he supported one Hira Das as a candidate for *Mahantship;* but cannot say whether accused's father supported another man.

P. W. 49 (a *zaildar*), cross-examined, has similarly denied any dispute with accused's father.

P. W. 312 (teacher at the Khalsa High School, Ludhiana) cross-examined, gave accused a good character, and said that accused was absent on sick leave through March and April 1915—and perhaps longer

Accused's oral statement will be found at page 471, and a supplementary written statement at page 553. He denies all allegations of guilt and says that at the time of the *Akhand Path* at Gujarwal (his own village) he was ill. He came on leave to Gujarwal from his school on February 5th; and was ill from December 14th, 1914, to April 1915. He denies having been given the *pahul* by Randhir Singh, and says he was given it in 1910. He alleges faction enmity against the Gujarwal witnesses and enmity against the *zaildar* witness. He, too, says he has relations at the front. He says he once complained to a Headmaster about approver Udham Singh of Hans; and that he and Anokh Singh, approver, quarrelled about a book lent to that approver's brother, Nirmal Singh.

The supplementary statement at page 553 contains an expansion of these alleged enmities, especially with regard to the *zaildar*. It contains a long account of the War services of accused's relations, and winds up with an offer to go himself to the Front.

Exhs. D. 15 *A. B. C.* are copies of the statements in mutation proceedings of August 1914, put in to show enmity with P. Ws. Hazara Singh *zaildar*, and Channan Singh.

Exh. D. 15 (A) Statement of Hazara Singh, Thakar Singh, Ram Singh, Jaimal Singh and Labh Singh in support of the claims of Hira Dass, a claimant to a *Mahantship*.

(B) Statement of accused's father (Thakur Singh) supporting the claim of a rival candidate.

(C) Statement of Channan Singh supporting the claim of the nominee of Hazara Singh.

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Exh. D. 16 is a school register put in to prove that, on the dates *alleged by the Defence* for the Gujarwal and Dhundari meetings, accused was at his School Boarding-House. However, as we have said elsewhere, we do not accept those dates; and, according to accused, on the prosecution dates for those meetings (which we accept as correct accused was admittedly in his village of Gujarwal (alleged, no doubt, by the Defence to have been too ill to attend).

The Defence witnesses are D. Ws. 128 to 149 inclusive, 589, 686 to 688 inclusive, 706, 707, 9..7 and 104.2. The first batch of witnesses testify to accused's continued ill-health; some say from dysentery, other from constipation. They speak as to character, and the services of his relations; to the enmity of the *zaildar* and Channan Singh; and some seem to have unusual memories for English dates. D. W. 134 happens to remember the 20th February, because he went to accused (who was ill) to get a letter written to a European; and D. W. 128 (a pensioned *Subedar*) on February 11th asked accused (who was ill) to look after his son. D. W. 136 attempts to discredit a Jail identification, and talks about P. W *Mussammat* Nihal Kaur (but compare Mr. Scott's evidence on the point); and D. Ws. 137 and 138 are produced in connection with Khalsa School Registers to speak to accused's illness and to his presence at the school *on dates selected by the Defence* for the Gujarwal and Dhundari meetings D. Ws. 139 and 140 give evidence about meeting Udham Singh, approver, on the 19th February, which we have no hesitation whatever about calling utterly false D.Ws. 141 and 142 are as to the sale of medicine about February 12th; and D. W 143 makes a vague statement about a quarrel with Anokh Singh, approver, "over some books." D. W. 589 has been used by several accused to cast doubt on the identifications of a Mullanpur pointsman, who, however, has not identified this accused D. W. 686 says he treated accused for illness for some 4 or 5 months but, cross-examined, made the most damaging statement that "*accused used to come to me walking*"; and, according to him, he did not always treat accused in accused's own village. D. Ws 687 and 688 (the former of whom was a prosecution witness) give evidence *re* Khalsa School Registers; but the dates, as we have said, are really of no use to accused. D. Ws. 706 and 707 speak as to character and illness; D. W. 927 (a witness for accused 89) is this accused's uncle; and D. W. 1042 (who is also a witness for accused Randhir Singh) produces a register to show that this accused took the *pahul* in 1910. A noticeable point about the Defence witnesses is the number of military men; which goes to prove the truth of accused's assertion that his father and other relations are in military service.

The few remarks addressed to us in arguments by Counsel on either side require no comments other than those already made by us about the evidence. The case against accused is perfectly clear; and the most that can be said for him is that he is fairly young, and was probably under the glamour and influence of accused Randhir Singh

We are satisfied on the evidence that the accused took part in the Ferozepore raid after being present at the Gujarwal meeting; and we find accused guilty therefore under section 121 of waging war, and under section 121 (A) of conspiracy to wage war.

We sentence him to transportation for life, and direct that his property liable to forfeiture, be forfeited to the Crown.

As however he is a young man, and was probably led astray by Randhir Singh, we recommend him to mercy and that the penalty of forfeiture be not enforced.

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61. Natha Singh, son of Mangal Singh, of Dhun, Police Station Khalra, District Lahore, aged 30 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 646), is not a returned emigrant ; but is admittedly a notorious person, who, during March 1915, was placed on security of Rs. 20,000. He was arrested in connection with the present case on September 12th, 1915.

We shall have later to consider with regard to him the confessions of certain co-accused.

He was identified on Jail parades by the following approvers and witnesses :—Sundar Singh (W. G.) and Natha Singh. In Court by Sundar Singh (W. G.), who first wrongly pointed out accused Teja Singh of Sandpura, as being this accused ; Natha Singh and Kala Singh, and 172. No doubt, several of the witnesses, apart from the present case, would know accused as a notorious person.

Approver Sundar Singh (W G.) states that accused's name was entered in the Khairon note-book, *Exh.* . 1. The witness says he did not know him before. Accused was one of those who went to fetch accused Dari for the attempt on Sarhali *Thana ;* but, not getting Dari, and finding the Police on the alert, left for his village, being under Police surveillance. Cross-examined, the witness says that he made a statement to Inspector Dhanpat Rai, and mentioned accused's village which is *not* the Dhun to which the witness went with Natha Singh, approver. He knows Head Constable Bhag Singh ; but did not see him present when he (the witness) identified accused. He never saw accused prior to Khairon The witness entered accused's name in the note-book, as told him by Lal Singh of Bhure. He admits that accused has a scar on his face, and is slightly cat-eyed ; but did not give his description to Dhanpat Rai. He is unable to say whether accused's father is a well-known *badmash;* or whether accused himself has been many times *chalaned* and discharged.

Approver Natha Singh states that days after *Dewali,* Channan Singh went to visit accused, a well-known *badmash,* and returned saying that accused would join and bring recruits. He corroborates the previous witness *re* Khairon and accused Dari. Cross-examined (p 102) the witness denies any quarrel with accused, or complaint against himself *re* the wife of Fazl Din, *mirasi.* He denies sending Channan Singh to accused.

Approver Kala Singh states that accused " used to visit the Jhar Sahib for *Ghadr* work " At page 110 the witness admits that he reported against one Budh Singh of Dhun for cattle-theft 4 years ago ; but does not know whether accused is related to, or stood security for, him. He never gave accused's father Rs. 200 *bhunga* to recover the cattle. Accused (the witness says) told Lal Singh of Bhure he would join the *Ghadr* some 10 days before the first Jhar Sahib meeting. He knew that accused was once sent to Sessions for murder — and saw him in hospital being bandaged.

P. W. 15 Jagat Singh of Bhure on Jail parade of October 26th, 1915, pointed out one Natha Singh. In Court, however, he stated that he did not even know accused by name, nor identified him. He did not see him at the Jhar Sahib but was obliged to admit that he had mentioned this accused in his statement to the Magistrate (*Exh. P.* 24) 'because people at the Jhar Sahib " said he was there (page 105).

P W. 115 (Sub-Inspector of Tarn Taran) states that approver Kala Singh arrested on September 14th, 1915, implicated accused as at the Jhar Sahib in a statement recorded by the witness. Head Constable Bhag Singh may possibly have been present. Accused is a well-known bad character ; but the witness is unaware whether Bhag Singh recently *chalaned* him.

This latter point, however, is spoken to by P. W 119, who admits that he gave evidence in a case against accused for an assault on Bhag Singh, in which accused was acquitted.

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P. Ws. 117, 118, 119 and 130 Circle Inspector) testify to the fact that accused is called both "Natha Singh" and "Nathu." P Ws. 159 160 and 170 give evidence, the gist of which is that one "Nathu Bail" (*i.e.*, of village Bail) is another well known *badmash*; that approver Natha Singh has *sewaks* in Bail village; and that "Nathu Bail" was an associate of Lal Singh of Bhure (L. C C.). The Defence, of course, wish to make out that, if any Nathu was really concerned in these *Ghadr* proceedings, it was "Nathu Bail"; not "Nathu Dhun." However, P. W 185 Channan Singh of Bhure - son of Lal Singh of that village), though admitting that "Nathu Bail" was a friend of his father, and a disciple of approver Natha Singh, denies having seen him during the *Ghadr* discussions at his father's house.

P. W. 128 (Sub-Inspector of Patti) states that last February (1915) he reported that the village Sur Singh was mixed up in the *Ghadr* movement. He says that this accused and one Ganda Singh, both then living there, were put on security for as much as Rs. 20,000 (the record of security proceedings is *Exh. P.* 93). Cross-examined, the witness states that he has seen this accused in the company of the returned emigrants Kala Singh and Jawand Singh, both of whom were arrested in Lahore at the *Ghadr* House No. 1 on the 19th February 1915—and both of whom were men of Sur Singh, which is not far from accused's village of Dhun (some 3 miles distant, according to the Site Plan on record). The witness admits that he himself received complaints about accused's thefts, from Amritsar; and that he met Head Constable Bhag Singh during the present investigation.

P. W. 172, Sardar Ali, was doubtful as to identifying this accused in court until all the other accused had passed him; after which he picked out with certainty accused whom he had at first been doubtful about. This witness (now an *arzinawis* at Amritsar) was the person who, along with Kapur Singh (the witness murdered during the Lahore Conspiracy Case), reported to the Deputy Commissioner of Amritsar about the gathering during November 1914 of a number of suspicious persons at the house of Lal Singh of Bhure and the Jhar Sahib. The witness states that accused was one of those persons; and that he named him among others to the Deputy Commissioner. He states that he knows that accused is a notorious person; that he never saw him after that one occasion; that he was never asked to identify him before the Police; and that he cannot say whether accused has a scar on his cheek, or is cat-eyed. He does not know "Nathu Bail."

P. W. 190 (Sub-Inspector of Mozang *Thana*, Lahore) states that accused is popularly known as "Nathu Dhun;" and is, in nearly all reports in the Police Register XII, described as "Nathu"—not "Natha Singh." There was considerable cross examination of this witness; who was caused to ascertain from accused's "Personal File" that he was entered as "Nathu" 18 times, and as "Natha Singh" 10 times. The witness further states that proceedings were taken last against accused under section 110, Criminal Procedure Code, as the associate of Ganda Singh whom the witness suspected of associating with returned emigrants, preaching sedition and visiting the Jhar Sahib. Accused was arrested in July 1914, and was discharged on the 15th October 1914, and went home—on the collapse of a case under section 304, Indian Penal Code, against him On 23rd November 1914 (this information is, of course, obtained from the records kept up about well-known bad characters) accused went off to one Partab Singh, and returned with his wife; and is not shown as absent from his village from November 24th to December 16th, 1914. There is no mention in his history sheet of his association with Lal Singh of Bhure or Natha Singh, approver. Accused's history sheet has been kept up since 1907 The witness does not know that returned emigrants attacked accused in Sur Singh; on the contrary, they asserted that accused and Ganda Singh had attacked them. The witness knows of no enmity between accused and *Zaildar* Khushal Singh. At page 275 the witness states that the papers from the 23rd to 29th November 1914 show that accused returned home on the 29th, and was absent from home between those dates (which fact he denied) except on the night of the 25th — (*vide Exhs.* D. 5 *A. B.* — reports *re* absences).

P. W. 191 (Khushal Singh, *Zaildar*, of Sur Singh), corroborates *re* this accused, known as Nathu, living in Sur Singh village with Ganda Singh; and says that he himself heard accused speak sedition, and urge people not to pay revenue — which the witness had to pay himself. He denies (in cross-examination) that accused set fire to any fodder-stack, or that he ever gave evidence against accused in an arson case. In his official capacity he has several times given evidence against accused. The witness adds that he heard accused speak about "Germany"; and that accused afterwards wished to kill him.

The accused is implicated in the Confessions of 5 accused, whose statements are available. Accused 15 mentions Natha Singh Dhun, as at the Jhar Sahib, where he was one of the leaders who determined on meeting at Khairon next day. He mentions him as at Khairon, and as one of the men who went to fetch Dari *en route* to Sarhali, and describes some 19 men going off after the fiasco with him, Natha Singh (approver), Sundar Singh W. G. and Lal Singh.

Accused 45 mentions him as at Khairon, as one with a sword, and in connection with Sarhali and the Dari episode, and as going on with a party to Dhun.

Accused 49 also mentions him as at Khairon, as going to call Dari, and as to suggesting going on to Tarn Taran after the failure at Sarhali. Accused 84 mentions him at Khairon, and threatening persons who wanted to drop out, in connection with the Dari incident and advising them to disperse.

Accused 90 does not mention him as at Khairon; but says *en route* to Sarhali a man, whom he didn't see, but was called Natha Singh, Dhun went with Natha Singh (approver) and Lal Singh to call Dari.

The accused's statement and supplementary statement will be found on pages 473-474 of the record.

He admits he is commonly known as Nathu Dhun, and that last cold weather he used to visit one Ganda Singh at Sur Singh, also that he has been placed on security under section 110, Code of Criminal Procedure on Rs 20,000 sureties.

He denies, however, having ever talked sedition, associating with revolutionists or taking any part whatsoever in the Jhar Sahib-Khairon-Sarhali affair.

In regard to Natha Singh, approver, he asserts that he is on terms of enmity with him because he took a strong line in regard to that witness' alleged cohabitation with a Mirasan; and that Sundar Singh W G. is his *chela*.

In regard to Kala Singh, he asserts that his cattle were stolen and the thieves handed them to accused's father, said to be a well-known *rassagir*, and they levied from witness Rs. 200 *bunga*; but notwitstanding that, the cattle were not returned, and part of the *bunga* money was retained.

He also says that on the 23rd November he went for *Muklawa*, brought his wife home on the 25th, and was at home for some days after.

He suggests that the real Nathu present at Khairon was one Nathu Bhail, said to be a follower of Natha Singh, approver, and an associate of Lal Singh (Lahore Conspiracy Case); and that his (accused's) name has been substituted partly by Natha Singh to save his own follower, and partly owing to police hostility towards him, and particularly of one Bhag Singh, Head Constable. There is no doubt that the accused has been proceeded against by the police on some 14 occasions (which the accused enumerates on pages 474-75 of the record) under sections 110, Code of Criminal Procedure 435, 457, 325, 224, 233, 304, 457 and 366, Indian Penal Code, and also under the Arms Act; and until March 1915 he was invariably successful. In some of the cases the courts hearing the cases have passed strictures on the police; and it appears that in some of these cases Head Constable Bhag Singh played an important part in the prosecution. He urges that the failure to get him convicted in these

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cases has rankled in the hearts of certain police officers, who have now taken the opportunity of again oppressing him.

He asserts that Head Constable Bhag Singh was constantly with the approvers Sundar Singh, Kala Singh, and other police officers; recorded their statements; and also that the accused, who have implicated him, were taken to Diwan Som Nath to have their statements recorded by Head Constable Bagh Singh.

He also asserts that Kapur Singh and Sardar Ali never mentioned him when they reported the gathering at the Jhar Sahib to the Deputy Commissioner, and that Sardar Ali failed to identify him on Jail parade. He urges the identification of Natha Singh and Kala Singh are valueless, as they knew him before; and Sundar Singh's as of no use as he made a mistake to start with, and ultimately recognized him by a scar.

The records of the cases D. 13, 18, 40 have been put in, and we have also seen Sardar Ali's report to the Deputy Commissioner. That report is very brief and consists simply of a rough executive order to the effect that a report has been made of a collection of men at Jhar Sahib, and directing the police to enquire.

There is no statement recorded, nor any names written down, and it is impossible to say from it if any names were given, or not.

The accused has produced 40 witnesses in his defence.

D. W. 184 (Nawab Muhammad Ali Khan) and D. W. 185 (Nawab Din, Court Inspector) merely depose that a mare of Nawab Fatteh Ali Khan, Kazilbash, was stolen, which was recovered, on the police failing to discover it through accused's father; the accused's implication being that this failure of the police, reflecting on their detective ability, has been the origin of the police hostility towards accused.

D. W. 186 gives as no information.

D. W. 187 deposes to accused being married a year and a half ago, and that he was not absent from his village in those days: so do D. W. 191, 192, 193, 194, 195, 196, 207, 208, 209, 219, 220, 221.

D. W. 188, 189, 190 depose to Natha Singh, approver, abducting a Mirasan woman, in consequence of which he and accused had trouble.

D. W. 187, 189, 191, 193, 194, 195, 196, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 221, 222 depose accused never talked sedition; and some say they paid their revenues when due.

D. W. 191 deposes to being accused of stealing Kala Singh's mare and the incident of the *bunga*.

D. W. 192 deposes that Chanan Singh (W. B. murderer) was not acquainted with accused.

D. W. 197 is produced to say that he once met Natha Singh Bhail going to see Natha Singh, approver, about *Amawas*.

D. W. 203 says accused was on bad terms with Zilladar Khushal Singh, D. W. 204 and D. W. 210 that accused quarrelled with Kala Singh and Jawind Singh (Lahore Conspiracy Case) at a liquor shop—a strange comment on accused's assertion that he never associated with them.

The other witnesses are formal witnesses to production of records; except Diwan Som Nath, Magistrate, who was called by accused 90 and examined by the accused.

He recorded some of the confessional statements; and, in so far as this accused is concerned, he states that Head Constable Bhag Singh sometimes accompanied confessing accused to his Court.

The argument by Counsel follows very much on the lines of the accused's written statement, which we have already mentioned.

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He refers to the prior prosecutions of accused, the enmity of Head Constable Bhag Singh, which no doubt exists, and to the presence of that official at the bringing up of certain accused for confessions

He contends that Sundar Singh's statement was recorded by the Circle Inspector; that Sundar Singh's first identification was inaccurate; that Natha Singh, approver, knew him before; that Sardar Ali did not mention accused to the District Magistrate, and only identified him after difficulty.

He also urges that if accused went to Khairon, he would have taken his followers with him, and there is no proof he did so; and that if anyone was required to get the *thana* open, he could have done it as well as Dari.

He presses that the accused has been implicated owing to the failure of the police to recover Nawab Fatteh Ali's mare; and that Nathu Bhail is an admitted friend of Natha Singh, approver, and was the man at Khairon, pointing out the pocket-book only contains the name Nathu.

In regard to the confessions, he urges that accused 45 lives near Dhun accused's village, and yet he says the Nathu Dhun present was of Dhun (Amritsar) and not Dhun (Lahore), where accused lives; and makes the same commentary on the confession of accused 14, who also says accused was at the Jhar Sahib.

He contends that accused 84 only mentioned Lal Singh and Natha Singh, approver, going to fetch Dari; but this is inaccurate—accused mentioned all 3 going.

Re accused 49, who mentions him, he says that accused suggested looting Tarn Taran and not Sarhali; but we know that, whether accused suggested it or not, Tarn Taran was one of the objectives.

He also urges Sardar Ali has always said the gathering at the Jhar Sahib was on the 28th; but what Sardar Ali has always said is that he saw men between the Jhar Sahib and Bhure on the 28th talking revolution.

He also points out that no confessions had been recorded when accused was arrested; and urges that the security proceedings of March 1915 contain no suggestion that accused was at Jhar Sahib. This is inaccurate: for the record shows exactly what is now contended, not that accused was at Jhar Sahib, but that he was asked to go there. There is no mention of Khairon, for the simple reason that the authorities were at that time ignorant of the Khairon affair, and all they knew was that there had been seditious meetings at the Jhar Sahib.

He contests also the evidence as to accused talking sedition in Sur Singh; and urges that Bhag Singh, Head Constable, sometimes accompanied Sundar Singh W. G. at Dagshai—a contention which is of no value, for Sundar Singh's statement had long before been recorded, *viz.*, in July.

We fully recognize that the accused has been frequently prosecuted unsuccessfully before; also that he is on bad terms with Head Constable Bhag Singh, and that Nathu Bhail would be a natural person, as a follower of Natha Singh, approver, to be present at the Jhar Sahib.

We also think it unfortunate that Bhag Singh was on duty when certain confessing accused were taken before the Magistrate. But what we have to consider is, whether these facts outweigh the evidence.

It seems to us that though Nathu Bhail was a possible person to be present at the Jhar Sahib and Khairon, had Natha Singh, approver, wished to save him, he could have said simply that he did not know who the Nathu in the pocket-book was.

That he could not have got the suggestion to substitute names from any policeman is clear from the fact that his statement was recorded by P. W. 190 at his house in Lahore on the 15th July, *i.e.*, immediately on his arrest, under superior orders, before the note-book was even discovered; and before he was seen by any of the police against whom accused makes allega-

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tions; and in that very first statement the name of Nathu Dhun is given.

In regard to Bhag Singh, we notice that the first accused who confessed confessed at a time when Bhag Singh was not even in the thana; and that he was not present when a number of accused did confess and implicate him, and that some accused, *e.g.*, accused 5, taken by Bhag Singh never even mentioned him.

As regards the matter of the mare the Government Advocate urges, and we think not without force, that the efforts of the owners of the animal, if any, would be directed rather against accused's father than accused; and he also urges that the reason why the accused is so prominently remembered is that he was one of the 3 men on horseback; and also that if the confessing accused were being told to implicate accused, they would have been told to say Nathu Dhun, Lahore, and not Nathu Dhun, Amritsar, the existence of such a person not even being established.

We do not think that the long array of practically unanimous evidence in regard to accused's presence at Khairon and Sarhali, and the number of confessions that implicate him can be brushed aside on the ground of a possible hostility with a Police Head Constable who was not present on the occasion when his name was first mentioned, or because prior prosecutions have failed.

We are satisfied that accused was engaged in the winter of 1914-15 preaching sedition in Sur Singh; and was present in the Khairon-Sarhali affair in November 1914, thus commiting an act of war.

We find accused guilty under section 121 and sentence him to transportation for life, and direct that all his property, subject to forfeiture, be forfeited to Government; but, as after all, his share was a minor one and he dropped out of the movement early, we recommend him to mercy, and that the order of forfeiture be not enforced.

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62. Pakhar Singh, son of Bhan Singh of Dhudhike, Police Station Moga, District Ferozepore, aged 30 : –

This accused, who pleaded " Not Guilty " to the charges framed against him (page 618), according to the emigration lists, came from Canada by the ss. *Australien* along with accused Ishar Singh, Uttam Singh and Mastan Singh—all of whom reached Ludhiana between the 17th and 21st December 1914. P. W. Mr. Slattery of the C. I. D. (page 548) tells us that accused was registered as " Sham Singh."

Accused was restricted and placed on security ; he was arrested on June 18th, 1915 ; and was interned in Rawalpindi Jail. His confession was recorded by a Magistrate on 12th September 1915 ; and we shall have later to consider also the confession of co-accused 64 Pala Singh with regard to him.

He was identified on Jail parades by approvers Bachan Singh, Arjan Singh, and Nand Singh ; and by the same three persons in Court. Approver Bhagat Singh did not identify him on Jail parade, or in the Court.

Approver Bhagat Singh states that on May 24th 1915 (that is, of course, at a time when the approver was helping the Police to effect arrests) he was taken by accused and accused 53 Mohindar Singh at accused Phera Singh's request to try and meet accused Ishar Singh in a jungle. Accused, he says, was armed at the time with a *chavi*. Ishar Singh could not be found, and it was arranged to meet on the 31st, when " the party " was to decide whether the witness should be given a pistol or not. On 31st this accused and Mohindar Singh warned the witness to make himself scarce. This witness, of course, kept the diary *Exh. P.* 15.

Approver Bachan Singh, who states that accused is his nephew, says that accused returned after 3 years abroad in *Maghar* or *Poh*, with a copy of the " *Ghadr di Gunj*," filled him with revolutionary ideas, and induced him to join the *Ghadr* movement. Accused, he says, had returned in company with accused Ishar Singh. The witness and accused own a joint well ; and in *Bisakh*, on account of plague, the villagers went out with their families to live on their wells ; and accused was visited there by accused Ranga Singh, 72 Rur Singh, Uttam Singh, Jawand Singh, absconder, Buta Singh and Banta Singh of " the golden teeth " (both since hanged) and accused 53 Mohindar Singh, who took part in *ghadr* discussions. In *Jeth*, along with accused 53, the accused calls the witness and accused 63 Pala Singh to a culvert near Dangyan to meet accused Ishar Singh, who fails to turn up. Some 8 days later, the accused calls the witness and accused Rur Singh, saying that Ishar Singh and Banta Singh want some work done ; but later on this accused excuses himself on the ground of being ill and on security, and says that accused 72 Rur Singh should go with the witness to Kapurthala to loot the Magazine. A consultation in accused's presence ; and accused tells accused 64 Pala Singh to bring along his uncle, approver Arjan Singh. The witness on June 13th meets accused 64 Pala Singh at Kapurthala, who tells him that he (Pala Singh) has been sent there by this accused. (*N. B.* – The postponed attacked on the Magazine had been fixed for the 12th). Accused was arrested in *Har*, after the witness had been released. The witness adds that he made over to the Police the *kirpan* (*Exh. P.* 63), which was given him by this accused, who told him he had got it from accused Ishar Singh. Cross-examined (page 192) the witness stated that accused is his distant collateral ; and that he stood security for accused when accused was restricted, which took place prior to the *Ghadr* discussions. The witness is not prepared to admit enmity on account of some cattle of collaterals Mangal Singh and Santa Singh which died at his house.

Approver Arjan Singh (from whom it was only elicited in cross-examination, page 201, that he and accused were in Amritsar *havilat* together for a night or two) states that accused was present at the Daudhar meeting of June 2nd ; and was actually appointed one of the Committee of five persons *re* the proposed attack for the 5th at Kapurthala ; and gave accused Ishar Singh Rs. 10.

Approver Nand Singh corroborates Arjan Singh on the point that accused attended the Daudhar assembly of June 2nd. He says that he and approver

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Arjan Singh, after their arrest on June 17th or 18th, found accused and accused Mohindar Singh in Moga *havilat*, who warned them not to mention the Daudhar assembly. Cross-examination (page 238) elicited no reason why the witness should have been speaking falsely.

P. W.s 74 and 77 state that accused used to visit accused Phera Singh at his school There would be nothing extraordinary about this; accused Phera Singh was the village school-master.

P. Ws. 78 and 80 (*Choukidar* and *Lambardar* of Dhudike) speak as to the recovery of the *chavi* head (*Exh. P.* 83) from accused's manure heap in *shamilat*, pointed out by accused's mother.

P W. 220 (Inspector Iqram-ul-Haq) says that accused was kept separate in Amritsar from the approvers. He was brought to the witness from Pindi Jail on September 9th, who took him to Dhudike, where his mother discovered the *chavi* head on September 11th.

P. W. 287 (Inspector, C. I. D.) corroborates *re* accused being kept separate from approvers in Amritsar. He recorded accused's statement on August 30th, 1915; testifies to the discovery of the *chavi* head by accused's mother in accused's presence; the mother said that she had buried it in the manure-heap, which was in open place close to accused's house.

Co-accused Pala Singh (64 of accused's village Dhudike) in his confession mentions this accused and Mohindar Singh (accused) of the same village telling him to bring Arjan Singh and Nand Singh to Dangyan culvert meeting; but he seems to be confusing this with the Daudhar meeting of a day or two later; and he does mention a second meeting at the water course later on. He says that on the 11th accused Ishar Singh and Uttam Singh came and questioned this accused as to why he had not attended at Kapurthala on June 5th, and says that next day accused suggested going to Kapurthala. This co-accused, however, though admitting that he went there himself, has not tried to make out that this accused went; nor do the prosecution witnesses.

Accused's own confession to a Magistrate will be found at page 478. It starts off with a mention of how the *Ghadr* newspaper used to be received at Hebbsfort in Canada (a name of a town which, probably, was quite as unfamiliar to the prosecution witnesses and the Police as it is to us); and it mentions the notorious revolutionist Bhagwan Singh (deportee from Canada) as coming on board accused's ship at San Francisco, and going on to Yokohama. It mentions the known revolutionist D. T. Kumar at Yokohama; and goes on to talk about the Dhudike band of revolutionists It mentions accused being given a *chavi* by another accused; mentions the Daudhar meeting and the Kapurthala meetings; and says that accused did not go to Kapurthala on account of illness.

Accused's statement to this Court will be found on page 476. He asserts that the Police gave his statement *ready written* to the Magistrate. He admits that accused Ishar Singh of his village (whom we always find in association with accused Uttam Singh) was on his ship; and says he returned to India because work was slack. He denies that Bhagwan Singh, deportee, came on board; and admits that he was himself restricted and put on security (this according to approver Bachan Singh was one of accused's reasons for not going to Kapurthala). He says that he and Bachan Singh (a distant relation) own a joint well; and lived there separately during the plague time. He denies all the allegations against him, even that of visiting accused Phera Singh at Dhudike School; and, of course, admits being interned in Pindi Jail. He admits being also known as "Sham Singh;" but when asked whether his mother in his presence produced the *chavi* (*Exh. P.* 83) from his manure heap, says he does not know. He says that, after restriction, he never left his village; and that approver Bachan Singh (who, he says, is a bad character like his father) took possession of his uncle Mangal Singh's goods when Mangal Singh died of plague, a quarrel resulting.

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The defence witnesses are D. W.s 244 to 251 inclusive; 722 to 725 inclusive. The first batch of witnesses give accused a good character; make out that he did not leave the village after restriction; and give a little vague evidence *re* the alleged quarrel over Mangal Singh's goods. The next batch are to the same effect; but their evidence rather discounts that of the first batch, since it appears that Mangal Singh died some 5 years ago, and that since then approver Bachan Singh has stood security for this accused.

Not much has been advanced in arguments by Counsel on either side. The Crown Counsel points out that accused's own confession corroborates part of Bhagat Singh approver's statement (the approver who failed to identify him "because not well-dressed") ; and that accused was an associate of men like accused Ishar Singh and Uttam Singh. Counsel for the defence has spoken of the interval of 3 months which elapsed between accused's arrest and his confession; but he has omitted to notice that the first arrest was only for purposes of internment; and that the only real interval between his arrest in connection with this case and the confession was when accused was taken to Dhudike for the recovery of the *chavi*.

The case against this accused seems quite clear.

We are satisfied on the evidence that the accused returned to India with the object of subverting Government; that on arrival he distributed seditious literature inciting others to rise likewise, and associated with other revolutionaries, and conspired to commit and abetted the Kapurthala raid.

These are clearly acts at the least of abetting the waging of war, and we accordingly find the accused guilty under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.

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63. Pala Singh, son of Kala Singh, of Dhudhike, Police Station Moga, District Ferozepore, aged 30 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 649), says that he returned from Burma some 5 years ago. He was arrested on August 6th, 1915.

We shall have, later, to consider the confessions of certain co-accused as affecting him.

He was identified on Jail parade and in court by approvers Bachan Singh and Arjan Singh. The latter, in court, at first mistook accused Attar Singh for him.

Approver Bachan Singh states that, in *Jeth*, he and this accused were called by accused 53 Mohindar Singh, and Pakhar Singh to a culvert near Dangyan to meet accused Ishar Singh. Accused had been in the Burma Military Police; and owned a *dao* (identified as Exh. P. 58). Accused attends a consultation with Pakhar Singh *re* looting Kapurthala magazine. About the latter half of June accused brings a message that accused Ishar Singh (then avoiding the Police) wants to meet the witness in a field called Kirwala (really a cemetery). The witness finds accused there with Ishar Singh and accused Sham Singh; Ishar Singh's father says he will get Rs. 60 from Sham Singh, and send it to his son through accused (Ishar Singh requiring funds in order to escape into a Native State); and Ishar Singh tells accused to bring it to a certain place. Eventually, accused sends the money through his brother, Lachman Singh. The witness (page 193) admits that a threshing-floor was burnt 2 years ago; but denies that there was any quarrel with accused about it.

Approver Arjan Singh, who admittedly only learnt accused's name after arrest, states that accused was present at the Daudhar assembly of June 2nd *re* looting Kapurthala magazine.

P. Ws. 74 and 77 state that accused used to visit accused Phera Singh at his school. There was nothing peculiar about this in itself—since Phera Singh was the village schoolmaster.

P. Ws. 81, 82 and 220 are as to the discovery by accused of the Burmese *dao* (Exh. P. 58) from where it was buried in a canal-bank, on August 6th, 1915.

P. W. 287 (Inspector C. I. D.) says that it was accused 53 Mohindar Singh who gave information on July 24th, 1915, that accused was the owner of a *dao*.

We may say at once that the Crown Counsel, very rightly, did not wish to press this matter of the *dao*; since the accused returned from Burma 5 years ago, and may have brought the weapon as a curiosity—at any rate, not for *ghadr* purposes.

Two co-accused, Pakhar Singh and the other (64) Pala Singh have mentioned this accused in their confessions—in connection with the Dhangyan-Daudhar meetings; but they do not try to make out that accused went to Kapurthala, nor did the prosecution witnesses.

Accused's statement appears at page 480. He denies the allegations against him; and asserts that P. W. 74 Narain Singh ("Nainoo"), who is in with the Police, is at the bottom of the case against him. The witness, in cross-examination, flatly denied the allegations of enmity.

Exh. D. 20.—Consists of 3 copies of judicial records put in to prove enmity with this witness D. W. 74. There is no record *re* the alleged burning of a threshing-floor.

D. 20.—Copy from record office register Kala Singh *versus* Narain, Section 504, Indian Penal Code, Rs. 10 fine, dated 20th January 1908.

It shows that the accused's father got Narain (Nainoo) fined some 7 years ago in a petty quarrel.

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The defence witnesses are D. Ws. 252 to 259 inclusive, 357 and 359. The first lot of witnesses give accused a good character; make vague allegations of "Nainoo's" enmity; and two witness, who happened to be passing at the time, heard "Nainoo" ask accused to dig up the *dao*—afterwards digging it up himself. Such evidence is worse than useless. Through the defence evidence there runs a vague effort to show that accused Pakhar Singh and this Narain Singh are related—*i.e.*, this accused could not have associated with accused Pakhar Singh. The remaining two witnesses are really witnesses for accused's associate accused Ishar Singh; and they say that this accused suspected Bachan Singh, approver, of arson; and that Narain Singh and the zaildar witness are friends.

We, of course, leave the *dao* evidence out of consideration in deciding as to accused's guilt or innocence. Counsel for the defence has argued that approver Bachan Singh does not mention accused as visiting Pakhar Singh's well for *ghadr* discussions; but this argument cuts both ways - since, an enemy would have done so. He urges that approver Nand Singh does not mention accused as at Daudhar. He urges that approver Arjan Singh only mentions this accused "in order to save his own nephew, accused Pala Singh (64);" but Counsel has obviously omitted to notice that Arjan Singh implicates his nephew Pala Singh *as well*! Arjan Singh, though he *at first* mistook another accused for this accused in Court, had identified him on Jail parade; and no reason has been shown why Arjan Singh should have wished to falsely implicate him. Our opinion of the defence evidence may be gathered from our foregoing remarks; and, as we have said, no documentary evidence has been produced *re* the alleged arson dispute.

We are satisfied on the evidence that the accused was present at the culvert meeting where the Kapurthala raid was planned; and conspired with others to wage war, and was an associate of other revolutionists; but as he was not a very important person, and as his actions are on the border line between conspiracy and abetment, we prefer to find him guilty under section 121 A only, and sentence him to 3 years' rigorous imprisonment.

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64. Pala Singh, son of Bagga Singh, of Dhudhike, Police Station Moga, District Ferozepore, age 20 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 652), belonged to the 36th Sikhs, stationed at Jhelum. He was arrested in connection with the present case on 13th August 1915. His confession was recorded by a Magistrate on the 13th September 1915 ; and we shall have later to consider with regard to him the confession of co-accused Pakhar Singh.

He was identified on jail parade by approver Sundar Singh (A. M.), simply as a man he had seen somewhere, perhaps at the Chamkaur Sahib ; Bachan Singh, Arjan Singh, and Nand Singh. In court, by the 3 last of these persons ; Bachan Singh naming him and calling him "a man in the Army," and Arjan Singh calling him his nephew.

Approver Bhagat Singh states that on May 31st (that is after this approver had promised to help the Police to arrest accused Ishar Singh), he was warned by accused Arjan Singh, that accused 53 Mohindar Singh was contemplating the murder of the witness ; and that he (accused Arjan Singh) had been brought by this accused for that purpose.

Approver Bachan Singh states that accused attended a consultation with accused Pakhar Singh *re* looting Kapurthala magazine ; and was told by Pakhar Singh to bring his uncle, approver Arjan Singh. After the attack on Wala Bridge Guard, the Kapurthala "Havildar" tells the witness and his companions on June 12th, that accused has arrived at Kapurthala (it will be remembered that the 12th was the date fixed for the postponed attack) ; and the witness and accused Rur Singh (72) met accused next morning, who tells them that he has been sent by accused Pakhar Singh ; and is sent on to Mallewal to see one Dyal Singh (a relation of accused Prem Singh). Cross examined, the witness denies knowing (page 193) that accused deposited any money with the witness' brother, Badan Singh.

Approver Arjan Singh (maternal uncle of accused) states that accused and approver Nand Singh came on June 2nd, telling him that accused Ishar Singh wanted him at a canal bridge near the village (*i.e.*, the Daudhar assembly). Accused was on leave from his regiment at the time. The witness says it was accused Ishar Singh, who helped to seduce accused to the *ghadr* cause.

Approver Nand Singh corroborates the previous witness ; and in cross-examination (page 238), denies that accused was ill at the house of the witness' uncle, Subedar Tara Singh ; or that accused got him a pardon.

According to P. W. 99 (Sub-Inspector C. I. D.), accused in his statement mentioned going to Gondwal and Patti on his way back from Kapurthala ; and P. Ws. 96 and 97 are produced in corroboration, with reference to June 13th. The same Sub-Inspector and P. W 98 (a *darzi* of Patti), speak regarding the shirt, Exh. P. 85. Accused was taken to Peshawar on September 7th, where his regiment then was, *re* recovery of the shirt ; and according to the Sub-Inspector, the *darzi* recollected having made a shirt for accused ; but could not distinguish it from a second one brought from Peshawar, because it was machine made. The witness, ofcourse, denies having ill-treated accused. P. W. 109 (a Subedar of the accused's regiment) corroborates *re* the recovery of 2 shirts from Peshawar on September 7th, 1915.

P. W. 110 (a Havildar of accused's company in the regiment) states that the regimental papers show that accused should have returned from one month's leave on June 6th; but did not rejoin until June 26th. He admits that letters were received from one Subedar Tara Singh of Daudhar and from a lambardar to the effect that accused had been ill (*vide* certified copies, Exh. D. 2), on 27th June 1915.

The co-accused Pakhar Singh mentions this accused in his confession as at the Daudhar meeting ; as being visited by accused Ishar Singh and Uttam Singh after the first Kapurthala meeting ; and as starting by train for the 2nd Kapurthala meeting of June 12th. Subsequently, he learnt that this accused had gone on from Kapurthala to the Manjha side.

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Accused's own confession to a Magistrate will be found at page 482. He, in it, connects himself with the Dhangyan-Daudhar meetings; and says he did not go to the first Kapurthala assembly. He, however, corroborates Pakhar Singh, as to the coming of accused Uttam Singh and Ishar Singh on June 11th, and as to his starting by train for the second Kapurthala assembly. Finding nothing going on there, and after meeting approver Bachan Singh, (compare this approver's statement), he proceeded home *vid* Gondwal and Patti, getting a shirt made by a tailor at Patti. At the commencement of this confession, accused stated that he had come on a month's leave from his regiment; and was urged by his uncle, Arjan Singh, approver, to join in the Kapurthala raid; and he ended by saying that, after reaching home from his trip to Kapurthala, he got a letter from Tara Singh, Subedar, to his Colonel, saying that he had fallen ill. He then proceeded with the letter to rejoin his regiment on June 26th.

His oral statement before this Court appears at page 480; and a supplementary written statement page 482. According to him, the Police beat him, hung him from a tree by his ankles, and dictated a statement to the Magistrate, upon which his thumb-impression and signature were forcibly taken. He admits that Arjan Singh is his uncle; and says that he did not rejoin his regiment until June 26th, 1915, on account of illness. He denies all allegations against him. He says that, after rejoining his regiment, he remained 2 months with it; and was arrested when on recruiting duty and afterwards taken to Peshawar. There, he says, the Police took 2 shirts from his kit; and took him to Gondwal and Patti where they forced Makhan Singh, witness, and the *darzi*, witness, to bear testimony against him. Approvers Arjan Singh and Bachan Singh are his enemies; and Nand Singh is a friend of his uncle Arjan Singh. He winds up by saying that he has relations in the army.

The supplementary statement (page 482) is a brief one alleging a quarrel (some years old) with his uncle Arjan Singh, about property. Apparently, no case about it has ever been brought, and the question naturally arises why Arjan Singh, approver, was not cross-examined about the matters alleged?

Exhibit D. 2 is a copy of Subedar Tara Singh's letter *re* accused's illness. It is dated June 24th, 1915; and does not carry conviction to our minds as to why accused was so long absent without leave. Seeing that accused should have rejoined his regiment on June 6th, one would have expected the explanation of illness to have been offered earlier.

Exhibit D. 38 contains a Sheet Roll of accused. We find a pencil note—"Absent without leave from 6th June 1915;" and a note by Captain Goss (Medical Officer) to the effect that, though accused was looking ill, the witness could not go so far as to say whether he had been suffering from cholera.

The defence witnesses are D. Ws. 230, 260 to 263 inclusive, and 564 to 567 inclusive. The first witness is Captain Goss (I. M. S.), who was unable to identify accused; did not recollect a Jamadar reporting his illness, and could find no entry in his register about accused's illness The witness admitted that another Medical Officer of the 36th Sikhs had gone on field service; and we must add here that accused's regimental Sheet Roll reached this Court after this witness' appearance. The next batch of witnesses support the story that accused was suffering from cholera; and one of them says, in cross-examination, that Subadar Tara Singh is uncle of Nand Singh, approver. D. W 262 is a relation of accused; and simply makes a vague statement that Arjan Singh "took a necklace from accused. Do not know if he returned it." The last batch of witnesses support the story of illness, and of a quarrel with Arjan Singh about ornaments. The stories of the defence witnesses are utterly unconvincing.

Accused's Counsel has naturally been able to say but little on his behalf. Counsel for the Crown has urged that accused's being a soldier makes his offences worse.

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Though we see no reason to doubt the guilt of this accused, we are prepared to accept his Counsel's suggestion (which is supported by his own confession) that he is a young man, who was under the evil influence of his uncle, Arjan Singh, approver.

We are satisfied on the evidence that accused, while on leave from his regiment, was present at the culvert meeting, and was induced to side with the revolutionists and to go to Kapurthala on the 12th June to participate in the projected attack there.

The case would not be a serious one, but for the fact that accused was a soldier; and it is probable he was under the influence of his uncle Arjan Singh.

His acts amount to abetment of waging war, and we sentence him under section 121, Indian Penal Code, to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but, on consideration of the minor part he played, we recommend him to mercy, and that the order of forfeiture be not enforced.

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65. Phera Singh, son of Lehna Singh of Kot Sardar Jhanda Singh, District Sialkot, aged 20 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 652), was schoolmaster at village Dhudhike. He was finally arrested on the 19th October 1915. We shall have to consider later, with regard to his case, the confession of the co-accused Pakhar Singh.

He was identified on jail parades and in court by approvers Arjan Singh, Nand Singh, Bachan Singh and Bhagat Singh. Others of the prosecution witnesses, of course, belong to Dhudhike ; and would naturally be able to identify him ; and we may say at once that, accused being a village schoolmaster, there would be nothing extraordinary about his being visited by a number of persons.

Approver Bhagat Singh tells us that on the evening of March 7th, 1915, approver Arjan Singh introduces him to accused, at Dhudhike ; and we find accused's name entered at page 83 of the diary (Exh. P 15) with referenee to that date (page 177 of this record) in conjunction with the names of 2 co-accused, Ishar Singh and Mohindar Singh, who are said by witnesses to have been among his visitors. To continue this witness' story : On the 8th March this accused is present when accused 53 Mohindar Singh gives the witness Rs. 10 for bomb chemicals. Later, the witness tells one Channan Singh of Narangwal to be at Jitwal Railway Station on the 21st to be introduced to accused (the name was given after thought) and others, with a view to a dacoity at Ghalib. On the 19th March, accused is present at Killi fair when the witness and accused Arjan Singh deliver *ghadr* speeches. On May 24th (that is, after the witness' arrest, when he had promised the Police to assist in the capture of accused Ishar Singh) the witness meets accused at Dhudhike School, who sends Mohindar Singh to fetch Pakhar Singh ; and the two latter take the witness to a jungle to meet Ishar Singh. Cross examined (*vide* page 203, etc.) the witness asserts that he wished to save accused, so at first said nothing about him ; and that accused was released at Ludhiana when the witness at first told the Police this.

Approver Bachan Singh says that he first met accused at the aforesaid Killi fair, when Bhagat Singh and accused Arjan Singh gave seditious lectures; and that accused told him their names, and said they were *ghadr* men. He further states that accused used to inform him and Pakhar Singh about *ghadr* men coming to his and Pakhar Singh's joint well during *Bisakh*, when the village had been evacuated on account of plague. Cross-examined (page 194), the witness admits that he was a member of the school committee ; and that accused became schoolmaster when a Government grant was made to the school, for which the accused applied. Witness and his brother from China used to contribute to the school funds; and he never told accused to remove the royal portraits from the school before he would contribute. He does not remember certain *Bhogs* being specially organized by accused to pray for victory in the War ; and says that accused remained at the school when other persons went out to live on their wells. He used to take in the *Samachar Akhbar*.

Approver Arjan Singh states that about the end of February 1915, a few days after this witness had been restricted to his village, accused and Mohindar Singh came and talked *ghadr*. About the beginning of March, when approver Bhagat Singh came recruiting for accused Arjan Singh's proposed "party," the witness takes Bhagat Singh (at his request) to accused, and gathers "from their demeanour" (page 202 that they were previous acquaintances. (Bhagat Singh has not said so ; but he, too, speaks of this meeting taking place on March 7th—and fixes the date by the entry in his diary). After the Killi fair, Bhagat Singh comes with accused Arjan Singh ; and tells the witness that they two and accused have preached sedition at the fair ; and invites the witness to join in a proposed dacoity (this presumably had reference to the proposed dacoity at Ghalib). A few days before *Bisakh* accused Arjan Singh and Kapur Singh (discharged by this Court) tell the witness that they are going to leave their homes for good, to join the *ghadr* cause ; and the witness advises them to see this accused.

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Approver Nand Singh states that in early April 1915 this accused came with accused Mohindar Singh to approver Arjan Singh, and went on to Dhudhike. On the way there accused talked sedition; said that a *ghadr* meeting would soon be held, and that he (accused) did all the clerical work of the *ghadr* committee. Cross-examined (page 237) the witness admits that his sister and the sister of approver Arjan Singh are both married in Dhudhike. He says that accused made no mention of a petition to the Viceroy; that he only met accused on that one occasion; that accused did not give the date or place of the meeting, nor specify what writing work he did. In any case, such a statement on the part of accused must have been merely a piece of boasting, unless he was referring to the small Dhudhike band of revolutionaries as a "*ghadr* committee;" but we fail to see why the witness should have invented this assertion.

P. Ws. 74, 77 and 78 are mainly to the effect that accused used to be visited by co-accused Mohindar Singh, Pakhar Singh (63), Pala Singh, Sudh Singh (discharged by us), approvers Arjan Singh and Nand Singh, and Rur Singh (L. C. C.—the man who was captured with Nidhan Singh of the Lahore conspriacy case). They admit that he had various other visitors as well; and one of them admits that accused held a *bhog* for victory in the War. P. W. 74 is not prepared to admit enmity with accused; but admits that he refused to make over to the school certain funds sent by his brother Prem Singh from America.

P. W. 220 (Inspector Iqram-ul-Haq) cross-examined, says that accused Arjan Singh was not called on to identify accused; and P. W. 287 (a C. I. D. Inspector), cross-examined, states that he visited Dhudhike on August 5th and September 11th, 1915; and received information there that "a schoolmaster" belonged to the *ghadr* party.

P. W. 11 (Mr. Donald, Superintendent of Police, Ludhiana) cannot remember whether approver Bhagat Singh was asked to identify accused at the thana; but denies that there was any identification at the Nawab's *kothi*, where the witness was sitting.

P. Ws. 71 Inspector Nand Singh) and 72 testify to the search of accused's quarters at the school on the 22nd June 1915; in accused's absence, apparently, at Sialkot. They state that the book *Naujawan utho* was found there—the key of the house being produced by P. W. 72. This latter witness certainly does not appear to be inimical to accused; and admits that accused caused the school boys to recite a large number of *Japjis* for victory in the War; but qualifies this by saying that accused was really only carrying out the instructions of another person in doing so. Witness himself was treasurer of the school.

The co-accused Pakhar Singh mentioned this accused in his confession. He belongs to Dhudhike village, where accused was the schoolmaster; and he says that, after he had been inflamed with *ghadr* ideas, approver Bhagat Singh came to his village and met this accused and another co-accused, the latter of whom took him to Bhagat Singh, who said that there were plenty of men, but a dearth of weapons. The confession continues thus:—

"Phera Singh was a schoolmaster there. I told him that I would bring the mutineers to him, and that they had plenty of weapons." A little way on in his confession he mentions a conversation which took place in front of this accused as to whether Bhagat Singh, approver, were a reliable person, or not.

The prosecution case, of course, is that this accused was a "post office" or "go between" for the Dhudhike and other revolutionaries; who used to visit his school, and kept in touch with one another; so, let us examine accused's statement at page 283. In answer to question 2, as to whether certain accused in this and the last case used to visit him at the school, he says that only co-accused Mohindar Singh did so, in his capacity of member of the school committee. He denies all allegations against him, including that of preaching sedition at Killi fair, but can suggest no reason why approver Bhagat Singh should have entered his name in his diary. He knows nothing whatever about Exh. P. 80—the book *Naujawan utho* (*vide* our comments on

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this exhibit in Part II—(immoderate in tone). He says that he was one released from arrest and was wrongly re-arrested; that approver Bachan Singh is lying, since, at the time he speaks of, the school was closed on account of vacations; and to prove his loyalty, he asserts that he himself got up two *bhogs* for the victory of the British arms in November and December; and made all the boys repeat large numbers of *Japjis*.

The defence witnesses are 241 to 243 inclusive, 278, 280, 361, 531 to 533 inclusive, 566, 902, 929 to 938 inclusive, 941, 942 and 1029. The first witness speaks of accused's having an attack of cholera during the month of *Jeth*, but the witness was really for accused Mohindar Singh, and the question seems to have been put to him at a venture. The second witness and the third speak of accused's arrest in June for purposes of internment. At this point, accused's Counsel announced that he closed his client's case, but he afterwards proceed to examine (and we allowed this, in accused's interests) witnesses who had appeared already for other accused. Such are D. Ws. 278 and 280. These two witnesses support the story of accused's getting up loyal *bhogs* at the school; but we find from their evidence that these were performed really at the instance of one Dr. Ishar Singh, who founded the school, and who is serving at the front. It is admitted that accused only managed the school under a committee; and it is said that he acted in securing a Government grant for the school. As might have been expected, these witnesses are made to drag in the old story about P. W. 74 Narain Singh (Nainoo)'s misappropriating funds sent by his brother for the school. As we go on, we find D. W. 361 (a witness for accused Ishar Singh) supporting the above evidence; and adding the fresh information that approver Bachan Singh quarrelled with this accused, because the accused refused to remove the pictures of their Imperial Majesties from the school wall. The accused himself had told us nothing about this. At this stage, accused's Counsel introduced some fresh witnesses of his own—D. Ws. 531, 532, 533—the first of whom (an Assistant District Inspector of Schools) states that accused was reported on as of "good conduct;" and says that accused was Head Teacher and Manager; and that the school committee applied for a Government grant in October 1914. The statements of the next 2 witnesses (children of about 12 years of age) scarcely merit mention; but we suddenly learn that in the month of *Chet* the accused hurt his knee and was confined to bed for 3 weeks; also, that the school was closed on account of plague in April or May. The utter folly of producing this class of evidence is obvious. D. W. 566 (a witness for a co-accused) says that no undesirables were allowed in the school whilst accused was teacher. D. W. 902 says accused got up a victory *bhog*. D. Ws. 929 to 938 (some of whom could say nothing) form another batch of accused's own witnesses to testify to accused's loyalty, and to his having a brother-in-law at the War. D. W. 931 drags in the old cholera story, and the misappropriation by Nainoo; as does D. W. 930, who also tells us that accused conducted all the correspondence of the school (presumably, an attempt to counter a statement by Nand Singh, approver). D. W. 929, Editor of the *Khalsa Samachar* (Amritsar), who does not know accused personally, refers to certain paragraphs in his paper *re bhogs* got up at the school, etc. The evidence is of no value whatever; and can be found at page 810. D. W. 942 knew nothing; D. W. 941 says a returned emigrant was once turned out of the school—and we then find a different Counsel closing this accused's case. However, one more witness—D. W. 1029—is produced; who says that accused got ill, and went home on a pony with his brother during plague time.

Exh. D. 39 relates to a Government grant for the school at accused's request; but even defence witnesses have admitted that accused was under a committee; and we are unable to accept Counsel's far-fetched suggestion that this caused "the enmity of approvers, who were against Government."

Part of Exh. D. 57 is a school register put in to show that from 10th April, and from the 7th to 18th June 1915, the school was closed on account of plague. The period conveniently covers the time when seditious

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meetings at the well are alleged to have been going on; but we cannot accept Counsel's argument that "defence witnesses have proved that accused went to his home in the plague days."

Another portion of the same exhibit consists of a Minute Book containing an entry to the effect that the Master is quite right in saying that the school is not an inn or *gurdwara* which all manner of Sikhs should be allowed to use. However, unlike other entries, that entry has been signed by no one save the accused himself, though it purports to be a resolution by the committee; it is undated; and there are no witnesses produced to support defence Counsel's suggestion made (in arguments) that it was to have been signed at the next committee meeting.

We agree with Counsel for the Crown that, on the evidence, we should attach no weight to the matter of accused's speaking seditiously at the Killi fair; but we do believe that this accused was a post office or go-between for the revolutionists of the Dhudhike gang. No doubt, as village schoolmaster, he was visited by them as well as many other persons; but he lent himself to their views. We see no reason to believe that the book Exh. P. 80 was put into his quarters by someone else. The nature of his defence evidence can be gathered from our foregoing remarks; and the Government Advocate has also pointed out how accused has been mentioned in one confession; and been identified on jail parade and in court by four approvers. We cannot agree with the Counsel for the defence "that there was no real guilty act on the part of this accused."

We are satisfied that the school of which the accused was the local schoolmaster, became the house of call in Dhudhike for certain revolutionists in the summer of 1915; and he himself was a means of communication between these various revolutionists, probably acting as a stranger in the village under duress of more dangerous men; though possibly guilty technically of abetting the waging of war, we find him guilty of conspiracy to wage war under section 121 A and sentence him to two years' rigorous imprisonment.

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66. Phuman Singh, son of Ganesha Singh, of Kaler, Police Station Banga, District Jullundur, aged 28 :—

This accused is another of the men of the 26th Punjab Infantry. He pleaded "Not Guilty" to the charges framed against him (page 653). He was arrested in connection with this case on 8th October 1915.

The prosecution evidence is practically the same as that produced in the cases of the other 3 co-accused of the same regiment—Harnam Singh, Kirpa Singh and Labh Singh. Approver Anokh Singh failed to identify him in this Court; but had described him previously to a Magistrate.

P. W 34 Jamadar Buta Singh (26th P. I.) tells us that accused attended seditious lectures at Hong Kong *gurdwara*; and was mentioned to him by accused Harnam Singh as one of those ready for mutiny. Cross-examined (page 208), the witness says that accused did the ordinary work of a sepoy; not odd jobs on account of weak eyesight. The witness admits that accused was employed on bringing reservists from Lahore to Ferozepore depôt; a Havildar being also placed in charge of that work. The last occasion was some 2 or 3 days before accused and others were discharged from the regiment.

P. W. 35 Captain Cargill tells us (page 209) that accused was one of those who, on return with a draft in July 1914, were intended to either apply for a discharge, or be compulsorily discharged. There was no complaint against accused, so far as witness knows, between August and November 1915. He was discharged from the regiment on 19th February 1915.

P. W 36 Subedar Muaz Khan despatched accused on that date in direction of Kasur with a ticket. The witness admits that he was officer in charge of reservists at Ferozepore; and that on the 17th February accused brought in some service-fit and depôt-fit men; and once brought in reservists by himself. Accused on the 17th applied for a train-pass back to Lahore; but the witness learnt that he was to be discharged. Witness admits that the July draft dropped 3 prisoners, on the way, at Alipur Jail.

P. W. 37 Bhan Singh (Sepoy—26th P. I.), who was detailed by Jamadar Buta Singh to make enquiries, was told by accused Labh Singh that this accused was one of those ready for mutiny. Labh Singh returned to the lines after his discharge (on the 20th when he was captured); and told the witness that accused had returned with him; but the witness himself only saw 3 men in the distance (page 212). The witness says that he himself was only reduced to the ranks on account of illiteracy.

Approver Anokh Singh (who described accused to the Magistrate; but failed to identify him in Court) states that on February 18th the co-accused Kirpa Singh fetched this accused and Labh Singh to the Ferozepore Military Hospital; and told them that the witness and Kartar Singh (L. C. C.) had come about the matter already spoken of in Hong Kong; and that the rising would take place next day. Accused then said he would take them to the British Cavalry Lines (this, of course, must be a mistake on the witness' part—since no *British* Cavalry were stationed at Ferozepore); and Kartar Singh gave out copies of the *Ghadr Sandesa* for distribution.

P. W. 233 (Teja Singh of the same regiment—to whom this Court tendered a pardon) tells us that this accused was present in Hong Kong in 1914 when accused Kirpa Singh read out the *Ghadr;* and was won over. When accused was on duty in Lahore, Kirpa Singh used to keep him informed from Ferezepore by letter of *Ghadr* matters; and accused had occasionally to come into Ferozepore. This witness also says that accused did ordinary work; and did not suffer from weak eye-sight.

P. W. 344 (Madho Singh, Head Clerk) states that accused was one of those who helped to stir up trouble at the Karachi and Ferozepore depôts. Accused used to go backwards and forwards between Lahore and Ferozepore on reservist work.

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Accused's statement will be found at page 484; and a supplementary written statement at page 558.

He says that at Hong-Kong he tried to get his discharge on account of bad eye-sight, and was sent back to India with a draft, and as guard over some prisoners. He applied again unsuccessfully at Karachi for discharge. He denies all allegations against him; and we do not attach much weight to his statement about the difficulty of visiting Hong-Kong *gurdwara*; but his statement is quite reasonable that, when dismissed the regiment on February 19th he wanted a ticket for Lahore and another for his home—since he had been on duty in Lahore, and presumably, had things there. He says he went to Lahore, and left for his home with his bedding. He says that he only used to visit Ferozepore on reservist duty; and not go to the hospital. He urges that he had 7 years' good service; and says that Buta Singh, Jamadar, got him and others implicated to whitewash his own character; and that the P. Ws. Bhan Singh, Madho Singh and Mahan Singh look for advancement at the hands of Buta Singh, who is still with the regiment.

In his supplementary statement he puts forward that he was employed as a trusted man on reservist work, and that he was not arrested until some 8 months after his dismissal from the regiment.

His defence witnesses are D. Ws 530, 536 to 555, 696, 697, 699, 700 958, 975 and 1041. The first witness and the second batch of witnesses testify to accused's good character, and to his engaging in cultivation, and to his weak eye-sight. D W. 550 (reservist of the 26th P. I.) makes the statement worth noticing, since there is no prosecution evidence to rebut it, that no reservists of that regiment have been kept from rejoining—and accused, if he had had *Ghadr* tendencies, would certainly have had opportunities for dissuading reservists. D. W. 548, clerk of the Lahore Reserve Centre, states that accused only made two trips to Ferozepore from Lahore, with reservists—the last of which was on February 16th. The next four witnesses (from 696 onwards) all belong to the 26th Punjabis; and their lengthy statements occur on pages 782—784 of this record. They were really produced to generally rebut the evidence of Jemadar Buta Singh and the prosecution witnesses from the 26th P. I.; and they support the accused with whom we are now concerned as to character; say that he was put on light work such as *dâk* delivery and teaching in the School; and was entrusted with reservist work. D. W. 958 says that accused quarrelled with Jemadar Buta Singh who wanted his *dâk* delivered first; and he states that at the time spoken of by approver Anokh Singh there were no cavalry, nor cavalry depôt, in Ferozepore. D. W. 975 corroborates *re* the *dâk* dispute; and D. W. 1041 gives accused a good character.

Our opinion as to the witness Jemadar Buta Singh, and his evidence generally, can be seen from our remarks in the cases of the other accused of this regiment; but we certainly entertain a doubt about the guilt of this particular accused. The Jemadar only *heard* of him as "ready for mutiny;" and Captain Cargill remembers no complaint against him at Karachi. The witness Bhan Singh only *heard* of him as a mutineer from a co-accused; and approver Anokh Singh appears to have made a blunder (at least) about this accused's alleged remark about the cavalry" He did not, of course, identify accused. As regards approver Teja Singh, we certainly think it would be dangerous to rely much on his statement that this accused was "kept informed by letter."

As the Defence Counsel has pointed out, this accused was not *recognized* anywhere near the lines on the morning of February 20th; and there is not a scrap of evidence to show that he returned to Ferozepore after his dismissal on the 19th February, or took any part in the activities of that night. This is most important; and differentiates his case at least from those of two of the other accused who belonged to the same regiment. There is no doubt that (whether a Havildar were also employed, or not) this accused was in a position of some trust with regard to reservists; and it does not appear that he abused that trust.

We do not propose to follow the arguments further; since, in our opinion, there is certainly a doubt with regard to the guilt of this accused—and he is, of course, entitled to the benefit of that doubt.

We agree in acquitting accused.

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68. Ram Singh, son of Sahib Singh, of Phullewal, Police Station Dehlon, District Ludhiana, aged 60 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 709), is an aged man. He was arrested towards the end of July 1915 (*vide* page 568) ; and is not a returned emigrant.

He was identified on Jail parade by approvers Udham Singh of Hans, Bhagat Singh, Sundar Singh (A. M.) and P. W. 112 (a pointsman). The same 3 approvers identified him in Court ; and so did P. W. 27 Indar Singh of Khanna, (39) *Mussammat* Nihal Kaur, and (40) Teja Singh of Samrala. P. W. 112 failed in Court.

Approver Sundar Singh (A. M.) states that accused attended the unobjectionable meetings at Lohatbadi, Khanna and Chamkor Sahib ; and was one of 100 persons present at the *Granth Sahib* recital at Ram Singh, reservist's house at Gujarwal. He does not assert that accused attended the secret meeting there; but says that accused joined the train at Mullanpur on February 19th with accused Randhir Singh's party.

Approver Bhagat Singh corroborates *re* Mullanpur ; and further says that accused was at the reed jungle assembly ; and with Randhir Singh's party at Phime-ke-Kai Station next morning.

Udham Singh of Hans corroborates *re* the reed jungle, and also says that accused was one of those who assembled at Randhir Singh's house prior to the start for Ferozepore (the witness twice omitted his name when reciting a list ; but added it later). He denied (page 213) having seen accused at Dehlon Thana.

P. W. 27 Indar Singh (who said that on Jail parade he did not identify various persons because "his *aql* told him not to") says that accused attended at the secret meeting at Dhundari ; and that accused, like others there, protested against Randhir Singh's urging those present to go to Ferozepore for an attack, but agreed to join when Randhir Singh said that Government was interfering in religious matters.

P. W *Mussammat* Nihal Kaur corroborates *re* Mullanpur ; Teja Singh of Samrala as to the Dhundari secret meeting. The pointsman of Pheme-ke-Kai Station failed to identify accused in Court.

P. W. 47 denies that accused was called in to Dehlon ; but admits that he was to Channan Singh's house in Gujarwal, but his statement was not taken there.

There appears absolutely no reason for supposing that all these witnesses have combined to get this old man into trouble ; but it seems equally certain that he would have been of no use whatever physically in any attack at Ferozepore, or elsewhere.

Accused's oral statement will be found at page 485 ; and a supplementary written statement at page 554. He admits attending the *Granth Sahib* recital at Gujarwal ; but says there was no secret meeting ; nor did he attend a secret meeting at Dhandari. He alleges that he has been implicated in this case simply because he refused to testify falsely to a secret meeting at Gujarwal.

In the written statement he asserted that the prosecution witnesses were tutored to identify him by his grey beard and absence of teeth ; and said that he could not even see properly at night.

His defence witnesses are D. Ws. 473 to 487 inclusive (of whom one is accused's brother). They tell an utterly unconvincing story (which this accused did not mention himself) to the effect that on the 8th *Phagan—i.e.*, February 19th—this accused was engaged in a *bhog* of his own for the safe return of his nephew, who was expecting to be sent to the front. Incidentally, some of them make a feeble effort to upset the prosecution dates *re* Gujarwal and Dhandari. We may mention that D. W. 872 (one of accused Randhir Singh's witnesses as to handwriting) belongs to this accused's village

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We are quite prepared to give due weight (as urged by the defence Counsel) to the statement of P. W Indar Singh that accused at first protested against the attack on Ferozepore, but agreed to go when Randhir Singh said that "religion was being interfered with." Also, to accused's age We attach no weight whatever, as we have said before, to Randhir Singh's letters, *Exhs. D.* 27 and 41 put in to upset the prosecution dates *re* Gujarwal and Dhandari. Counsel for the Crown did not wish to urge much against this old man; and though we are not prepared to disbelieve the evidence against him, we think it extremely probable that this old *Pathi* (who, probably, was under Randhir Singh's influence and dependent on him for employment at *Paths*) did what little he did partly in fear and ignorance, partly actuated by mistaken religious ideas.

He is, however, technically guilty of waging war and we are compelled in law to pass a sentence of transportation for life on him, and direct that the whole of his property, liable to forfeiture, be forfeited to the Crown.

In view of our prior remarks we consider his case one for the utmost clemency, and we strongly recommend him to mercy, and that the penalty of forfeiture be not enforced.

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69. Randhir Singh, son of Matha Singh, of Parangwal, Police Station Dehlon, District Ludhiana, aged 38 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 655), is not a returned emigrant; but he is one of the most important accused in the present case and has the biggest *dossier* He was arrested on the 23rd June 1915. He is said to be a "failed B. A;" was admittedly for a time a temporary Naib-Tahsildar on plague duty in British service; and his father is Legal Remembrancer of Nabha State.

He was identified on Jail parades by the following approvers and witnesses :—Sundar Singh (A. M.), Anokh Singh, Udham Singh of Hans, Bhagat Singh, 42, 43, 44 and 112, 114 (pointsmen).

In Court by the same four approvers and P. Ws. 27, 39, 40, 112, 114, P. W. Ichhar Singh and 349 (a student who simply said that accused used to visit the Khalsa School at Ludhiana for prayers)

P. W. 27 Indar Singh, of course, stated that he did not identify various men on jail parade, "because his *aql* told him not to;" and P. W. Ichhar Singh on Jail parade made out that his eyes were too bad for identification, however, the accused admitted to Mr. Scott that he knew him.

Several of the witnesses make lengthy statements about this accused; especially approver Sundar Singh (A. M.). He is a *Tat Khalsa* Sikh like this accused, and his statement is as follows:—He first met accused and P. W. Ichhar Singh some years ago at Basaur. Accused attended the non-seditious meetings at Lohatbadi (resolutions *re* Rikabganj *Gurdwara*, etc.), Khanna and Chamkor Sahib; but, though the meetings themselves were unobjectionable, we learn from this witness that this accused at Khanna was saying that the British *Raj* was nearing its end because it had laid its hands on religious things; and that at Chamkor Sahib the accused told the witness and accused Karm Singh of a secret meeting at Ludhiana, at which it was decided that "if Government pulled down the Rikabganj *Gurdwara*, all should sacrifice themselves though the *Granth Sahib* teaching was opposed to such an idea." Accused also spoke of *Ghadr*, and about men coming from America, and arms expected from Bengal; and said that "suitable men" would be found at the annual meeting at the Fattehgarh Sahib (Sirhind). According to this approver, the accused goes with the witness and accused Karam Singh to Fattehgarh. At Lohatbadi P. W. Ichhar Singh urges the witness to join the *Ghadr* movement and the witness tells him that he agrees with the views of accused. Later on the absconding accused Indar Singh of Patiala visits the witness, and tells him that accused and "others of his *Ghadr* Party" had attended a meeting at Lohatbadi, and had fixed 17th *Magh* for the next meeting (these meetings appear to have been in connection with school matters). Indar Singh (he says) told him at the same time that it had been decided to commit the Jhaner dacoity (which took place on January 29th, 1915)—and (according to the witness) Indar Singh also said that others present at that meeting included co-accused 17, Gandha Singh, Uttam Singh and Buta Singh (hanged).

Just prior to the Jhaner dacoity, however, accused sends a message by accused Mastan Singh that he cannot attend the meeting of the 17th *Magh*. About the 12th *Phagan*, the witness, Teja Singh of Samrala, brings a letter from accused inviting the witness, 17 Gandha Singh, accused, and accused Karm Singh and Uttam Singh "and any other *desh bhagat*" to an *Akhand Path* at Gujarwal; and the witness and others go there to the house of Ram Singh, reservist (brother of accused 33), where this accused afterwards holds a secret meeting on the roof and tells those present that the *Ghadr* Party had done much work in regiments which were ready to rise, that two men had been sent to Lucknow and Pindi to make preparations, but that money is needed—upon which the witness subscribes Rs. 24. The witness purported to give us the actual words used by this accused, to the effect that it was not the time for men of the *Khalsa* to sit at home, but the time to move out into the plains; and stated that accused said the date for a rising would soon be announced, and that people should be

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persuaded to join. After this meeting, accused leaves with his "party" for Dhandari, and later accused Karm Singh tells witness that when the Secret Police came to Gujarwal he joined accused's party at Dhandari, and tells him also that accused Kartar Singh (L. C. C.) had come to Dhandari on a bicycle, and informed accused that the rising would probably start on February 19th. Karm Singh further tells the witness that accused (on receipt of the above information) had despatched Indar Singh (P. W. 27) to spread the news in the *Bar*, accused Santa Singh to spread it in his own village (Nandpur Kalour), and the witness Teja Singh to the Majri villagers, issuing instructions that all should assemble by small parties by 10 P. M., on February 19th, at Ferozepore Cantonment where arms would be obtained from the Native Regiments and the fort, and that accused and his party would start from Dhandari Station. As a matter of fact, however, accused starts from Mullanpur Station. On February 19th, accused along with some 20 men joins the train at Mullanpur, with a *takwa* and a harmonium. At Ferozepore the accused and others were detained by some British soldiers, who came to the conclusion that they were only a singing party. After the failure of the Ferozepore enterprise, accused leaves with his party. About the 23rd February the witness sends accused Kartar Singh to accused to find out what is happening; and later accused Karm Singh is sent, who finds accused in his father's house at Nabha, and accused advises him to lie low. A day or two later the witness himself visits accused in Nabha, and accused advises him to be cautious.

Now, this is a very lengthy and detailed statement and what does the cross-examination of this witness amount to? (*vide* pages 163, 164). The witness says that accused Dalip Singh, a youth, is constantly in accused's company. That accused's letter was in *Gurmukhi*, without an envelope and to some 4 or 5 persons That when he saw accused in Nabha, he did not see accused's father. That at Gujarwal accused sang *bhajans* to the harmonium, and so on. The witness was asked about certain school funds, and admitted that the school Secretary had given him Rs. 285 without any directions; but denied having embezzled any money or having been accused of doing so.

That is all.

Approver Bhagat Singh's statement is as follows: He commenced to get acquainted with the accused whilst attending Ahmadgarh School in Malerkotla State and preaching in his spare time on religious subjects. After the *Rikabganj* incident, the accused incited him to preach sedition, filling him up with stories about the *Komagata Maru* affair and kindred subjects, so that the witness became imbued with revolutionary ideas; the witness regarding accused as a *Ghadr* leader. The witness continues to visit accused and meets at his house accused Mastan Singh (also mentioned by the previous approver in connection with accused) and Channan Singh (since hanged). The witness tells us that he kept the diary (*Exh. P.* 15) in order to keep the accused informed of his doings, but it does not appear from the evidence that the witness was in the habit of sending accused anything in the nature of a report based on his diary, or that the accused knew that he was keeping it up; the probability is that the witness (a youth of about 16 or 17 years of age at the time) started his diary to increase his importance in his own eyes, and possibly with a view to being of use to one whom he looked upon (as he tells us) as a *Ghadr* leader. On the 18th February the witness visits accused to tell him of the arrest of P. W. Ichhar Singh; and is told of the proposed attack on Ferozepore for next day; and is asked to join at Mullanpur. Accordingly, on the evening of the 19th the witness finds accused at Mullanpur Station with a party dressed in black clothes, and with a harmonium. At the place of assembly at Ferozepore, accused enquires as to who is armed and accused Kartar Singh (L. C. C.) and accused 17 Gandha Singh (sentenced by this Court in connection with the Ferozeshahr murders) say that they have bombs. After the assembly in the reed jungle and the failure of the Ferozepore enterprise the witness (on the morning of the 20th) arrives at Phime-ke-

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Kai Station with accused and his "party" of some 20 men and one woman (the witness *Mussammat* Nihal Kaur). At Mullanpur the accused alights from the train and sends accused Harnam Singh of Gujarwal and Mastan Singh on ahead (they being obviously returned emigrants) to avoid suspicion. On the way he complains that Mastan Singh has deceived him, having promised to supply many men and arms; and says that in future he shall not help Mastan Singh and his companions. On April 24th, after his arrest and release the witness goes to Nabha and warns accused about the Police. The witness further tells us that the entry in his diary "Natha Singh, Judge" refers to this accused's father—the accused himself has told us (page 486) that his father was for a time a Judge of the State High Court—and we also find accused's name occurring at page 67 of the diary (*Exh. P.* 15); while the witness explains (page 185 of the printed record) that the item Rs. 2-8-0 included Re. 1 previously received from this accused. The actual note in the diary (an entry bearing date of the 20th February 1915, (page 175 of the printed record) runs thus:—"19th took Rs. 1-8-0 from Randhir Singh. Total Rs. 2-8-0."

Now this, again, is a very detailed statement; and let us look at the cross-examination of this witness (pages 202, 203, 206). He admits that he did not send any letters about his doings to accused; nor held any credentials as a preacher. He first used to meet accused at various *Singh Sabhas*; who never asked him to preach about memorializing Government on the subject of the Rikabganj *Gurdwara*. He first saw accused at Nabha on the 24th April (the diary entries of April 24th and 30th run thus, respectively:—"Arrived at Nabha at 12 noon by the goods train leaving, at 9 o'clock. *Tawela* of *Mai Ji*. Natha Singh, Judge."—and "No. 3 Nabha. Judge Sahib. *Tawela* of *Mai Ji*.") and says that there was nothing against his noting down on the 30th that address, which he got from accused Mastan Singh on the day when he and Mastan Singh were taken there by the Police. (*Exh. P.* 56 are stray notes from which some entries in the diary were made.) He denies having gone to accused's father seeking employment; and says that, at the time when he went to see accused in Nabha, he had not buried the diary.

This is all that appears from cross-examination; and re-examined, the witness states that the entries of the 29th May to the 6th June were made after he unearthed the diary, and that the only time he showed it to accused was when he visited Nabha—he never gave him any information before then.

Approver Udham Singh of Hans states that acoused Uttam Singh told him that accused "and a party" attended an *Akhand Path* at Narangwal and corroborates that accused sent a letter to Lohatbadi meeting by the hand of Mastan Singh regretting his inability to attend (this was the meeting at which the Jhaner dacoity was proposed in accused's absence, of course). On the 18th February, at Patiala Station, the witness learns from accused Karm Singh that at the meeting at Dhandari Kartar Singh (L. C. C.) distributed flags to accused and his party; and that accused persuaded many recalcitrants to join for a rising on the 19th. On the 19th the witness and accused Uttam Singh assembled at accused's house, accused Mastan Singh, Dalip Singh, Harbhajan Singh, Attar Singh, Surjan Singh and others; and accused tells Uttam Singh that those present will go to Ferozepore; and that he will try to get more. Later the same day the witness sees accused at Mullanpur Station, with a harmonium and a party dressed in black; and these persons proceed to Ferozepore and the reed jungle. Cross-examined (p. 206) the witness says that accused Attar Singh and the old man Ram Singh used to go about with this accused; that he has seen him at an *Akhand Path* at the boarding house of the Khalsa School, Ludhiana; and that accused and his followers gave him (witness) the *pahul*. On this point we may say at once that we do not doubt in the least that accused was in the habit of attending many perfectly unobjectionable meetings and gatherings in connection with religious and educational affairs; and was a person with a certain

amount of religious influence. This approver, of course, is the man who returned from Italy ; but he denies that he was sent back from there for misbehaviour and says he was sent back on account of some affection of the eyes. He admits having cut his hair on that trip ; but denies all knowledge that accused and his party imposed a penalty on him, or excommunicated him.

P. W. 27 Indar Singh of Khanna (p. 165) tells us that accused was present at a *Path* held at Dhandari by Gurbachan Singh in respect of his son, who was on active service. This witness corroborates *re* the secret meeting held with closed doors after *bhog* was over; and he says that accused told them that a *desh bhagat* (naming, perhaps, Kartar Singh) had come the day before, and wanted all there to go to Ferozepore to attack the fort ; and said also that men from regiments would help, that religion was being tampered with, and that everyone should collect " Singhs." Later, the witness met accused at a *bhog* at Malewal, who reproached him for not turning up at Ferozepore. This witness (page 165) corroborates the statement of approver Sundar Singh (A. M.) that accused Santa Singh and the witness were sent off to the *Bar* to collect men for Ferozepore. (The witness himself refrained from going to Ferozepore, which is why his wife P. W. 39 failed to find him there.) Cross-examined (p. 166) the witness denies that any resolution was passed at Dhandari regarding the books of one Bishambar Dat.

P. Ws. 28 (page 167) and 29 corroborate as to P. W. 27's coming to Chak No. 361 in the *Bar*, saying that Randhir Singh and others had sent him to raise men for the *Ghadr*. P. W. 27 also said that he had no intention of joining himself ; but had come on his errand out of fear for his own safety. P. W. 28 admits that he only knew Randhir Singh by name ; his own village is 2 miles from Khanna, and Nand Singh is Sirdar of it. P. W. 29 says that he has seen Randhir Singh previously at *Sangats*. It does not appear why either of these persons from the *Bar* should have been ferreted out specially to bolster up P. W. 27 in a false statement.

Approver Anokh Singh tells us that on the 14th February (the date is fixed with reference to approver Mula Singh's arrest on the 13th), at the Lahore *Ghadr* House (No. 1 ; at the Mochi Gate), Kartar Singh of Soraba (L. C. C.), gave him 2 sovereigns, and told him to get news of accused Uttam Singh from this accused at Dhandari Kalan, where an *Akhand Path* was in progress. The witness knew accused previously. About the 17th February, Kartar Singh and the witness met accused at Dhandari : Kartar Singh tells accused that the 19th has been fixed for a rising ; and accused promises to bring his party to Ferozepore. On the 19th, accused arrives at Ferozepore with 15 or 20 men wearing what the witness calls " blue clothes," and with a drum and a harmonium. Cross-examined (p. 248), the witness admits that accused used to visit his school on Singh Sabha and *pahul* occasions ; and says that accused gave his brother the *pahul*. He never saw accused Mastan Singh and Ram Singh with accused on religious occasions. This witness also denies that he had a penalty inflicted on him for cutting his hair ; and, moreover, gives what appears to be a very sufficient reason why no such penalty could have been inflicted—namely, that he himself has never taken the *pahul* !

P. W. 39 *Mussammat* Nihal Kaur [the woman who went to Ferozepore searching for her husband (P. W. 27)] corroborates as to accused joining the train at Mullanpur with a harmonium ; also *re* the reed jungle assembly ; and the departure next morning from Phemi-ke-Kai Station. She denied that accused attended an *Akhand Path* at her house.

P. W. 40 (Teja Singh of Samrala) corroborates *re* the meeting held with closed doors at Dhandari after Gurbachan Singh's *Path* by accused and others. He explains that his wife was excommunicated for plaiting her hair and wearing jewellery ; and that he went to accused to get the ban removed ; by whose instructions he went to Dhandari, and subsequently to Khanna (*vide* page 215 for details).

P. W. 41 is Gurbachan Singh himself, who corroborates *re* the holding of a secret meeting—at which he was not present. He admits the accused is

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a famous reader ; and we do not doubt that the assembly which preceded the secret meeting was unobjectionable in character.

P. W. 42 also corroborates as to a meeting with closed doors ; and P. W. 43 as to the one at Gujarwal. This last witness, who is an employer of labour on brick kilns, tells us that accused asked him to get men to fight the English now that the war was on. Witness says that he reported anonymously by letter to the Police ; and also told P. W. Channan Singh of Soraba, who entered some names in a pocket-book. Channan Singh is P W 45 ; and his note-book is *Exh. P.* 65 (*vide* page 219). This accused's name is *not* one of those noted down by the witness. It is, of course, possible that P. W. 43 was unwilling to give away the name of a man of influence and importance ; but it certainly seems beyond doubt that, had the note-book been simply concocted for the purpose of this case by the Police or anyone else, the name of this accused would not have been omitted. P. W. 44 corroborates *re* the Gujarwal meeting on roof, attended by men dressed in black. P W. 46 (*Zaildar* Kishan Singh), corroborates *re* the Mullanpur Station incident (p. 219) ; and the 2 pointsmen P. Ws. 112 and 114 *re* the departure of some 20 persons (including one woman), with musical instruments, from Phemi-ke-Kai Station. Those persons wanted to have their tickets taken all in one lot. P. W. 46 admits the correctness of accused's assertion that he was once employed on plague duty.

P Ws. 48 (a Sub-Inspector) and 49 (*Zaildar* Hazara Singh) speak as to the search of accused's house on June 22nd, 1915. Accused was not present himself ; but his mother and uncle were, the latter of whom (according to the witness), signed the *fard baramdagi, Exh. P* 69. *Exhibit P.* 70 was found in a box ; but the witness cannot remember whether Surjan Singh, pensioner, was present. *Exhibit P.* 70 is an advertisement sheet of books by the well-known seditionists Ajit Singh and Sufi Amba Parshad; and formed the Supplement to a copy of the *Rajput Gazette*, printed in 1909. P. W. 49 admits that accused's village Narangwal is in another *Zaildar's zail.* Jaimal Singh (he says) and possibly Chanda Singh and Surjan Singh were present at the search. He admits litigation with accused's father ; about mortgage-money, not about a *Zaildari* ; but denies that he had any dispute with accused about the stopping of a Singh Sabha.

P. W. 311 (Inspector of Police) found the letter, *Exh. P.* 172 *A, B* (B is the translation) at P. W. Ichhar Singh's house on the 19th April 1915, as the result of information given in Ichhar Singh's statement to the Magistrate. In cross-examination the witness says that Ichhar Singh stated that the letter referred to the meeting at which the Jhaner dacoity was decided on ; but there is, of course, no such reference in the letter itself, which is unobjectionable in its terms.

P. W. 317 is Ichhar Singh. He tells us that he suggested to Buta Singh (since hanged) that accused might be able to supply boys to be sent to America to learn to make bombs. On May 30th, 1914, the witness, Buta Singh and accused attend a meeting at Langa Mandi, Lahore, in connection with the Rikabganj *Gurdwara* incident and the action of the Chief Khalsa Diwan; and accused tells the witness and Buta Singh at Amritsar just afterwards that Sundar Singh was the kind of youth required. The witness, who in our opinion, showed a very distinct desire to say as little as possible about this accused especially, said (page 321) that he "thinks" he and Buta Singh and accused talked to Sundar Singh about "sacrificing his life," and so forth. (Compare this witness' statement to the Magistrate, of 14th April 1915, on this point, with his statement at the top of page 321 of this record). The Sundar Singh here referred to is the student of that name who was produced as D. W. 792 ; and we shall refer to his evidence later on. To continue :—Accused sends "Amli" and Hari Singh (L. C. C.) to warn accused Uttam Singh about the Police (the witness was certainly reminded of this incident). On the 8th *Magh*, a meeting about school matters takes place at Lohatbadi ; and next day a meeting at

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the witness' house at which accused and accused 17 Ganda Singh, Uttam Singh, Buta Singh (since hanged) and (the witness thinks) Nand Singh were present. It was decided to join in a rising; and accused Ganda Singh and Uttam Singh displayed pistols, and the witness 2 daggers. During these proceedings, the witness says, "accused sat silent"—but he does not go so far as to tell us that the accused made any protests. On the 17th *Magh*, there is the meeting about school matters (when the Jhaner dacoity is also decided on); and accused send the witness the letter, *Exh. P.* 172 A, expressing his inability to attend the meeting. We have already said that there was nothing objectionable about this letter. Cross-examined (page 325) this witness says that he knew accused as a religious man; that he (the witness), approver Sundar Singh (A. M.) and Dharm Singh quarrelled about school matters, and accused "was informed in strong terms, and replied in strong terms." He was obliged to prevaricate when asked whether Sundar Singh (A. M.), approver, had in the *havilat* threatened "to retaliate on accused;" but did what he could to modify his statement against accused by asserting that on one occasion the accused said that Government should be "first approached" before any rebellion was started.

It was quite clear to us how desirous this witness was to shield this accused as much as possible; but it is at the same time apparent how incriminating his statement is.

P. W. 11 (Mr. Donald, Superintendent of Police, Ludhiana), denied that accused made any statement to the Police, beyond saying that he was "a well-wisher of Government."

Lastly, we have P. W. 347 (Inspector Ahmad Khan) *re* the slip of paper, *Exh. P.* 237, found in house No. 2 of the Lahore *Ghadr* Party. (That slip of paper was *Exh. P.* 98 A in the Lahore Conspiracy Case.) It has been proved to our satisfaction that that slip is in the handwriting of the notorious Rash Behari Bose. Our remarks regarding it are, of course, entirely conjectural; but upon it we find these words written in close conjunction:—"Nidh to Ich," and "Randhir, Uttom, Jagar" "Ich," in our opinion, means the witness Ichhar Singh, who has been much mentioned in connection with this accused; and "Uttom" was Rash Behari's spelling of "Uttam" Singh (accused 98), referred to already in connection with this accused Randhir Singh. It was to get news of Uttam Singh that Kartar Singh (L. C. C.) sent approver Anokh Singh to accused Randhir Singh from the *Ghadr* house No. 1 on the 14th February. There is, of course, nothing to show that Rash Behari ever met this accused; but it is probable in the extreme that Rash Behari, like Kartar Singh (L. C. C.), was aware of accused and his importance and influence. "Jagar" is possibly a note referring to Ujagar Singh of Ambala, to whom approver Sucha Singh, about February 15th, went with seditious literature for the troops there.

Accused's statement to this Court will be found at page 486; and a supplementary written statement at page 569. He, of course, denies all allegations of guilt. He says (and we are perfectly prepared to believe him) that he once acted as a temporary Naib Tahsildar on plague duty; that his father is Legal Remenbrancer of the Nabha State; and that at the time of his arrest, his father was a Judge of the High Court of that State. He, of course, admits knowing P. W. Ichhar Singh. He denies that he has any followers; and says, as regards the large meeting at Lohatbadi (which meeting, we agree, was not seditious in character), that he really attended it to protest against the removal of the girls and teaching staff from Basaur by Ichhar Singh and approver Sundar Singh (A. M.); and also annoyed those persons by repudiating the report that he had become a patron of their intended girls' school at Lohatbadi. As regards the resolutions passed at that and the subsequent non-seditious meeting at Khanna, he says that he was on the side of Government; and that at the latter meeting Ichhar Singh and Sundar Singh were penalised for keeping up intercourse with certain *Chamars*, who had embraced Sikhism, but had reverted to former practices. He admits going to the Chamkor Sahib and to Fattehgarh, but says he talked no sedition. He

denies attending a meeting at Lohatbadi on the 8th *Magh* (January 20th, 1915); and fixing the 11th *Magh* for another meeting there; but says that he did send a letter about school matters, though not by the hand of accused Mastan Singh of his village. He denies knowing accused Uttam Singh at all; and, as regards the Gujarwal *Akhand Path* at the house of Ram Singh, Reservist, he asserts that it took place on the 6th *Magh* and lasted 3 days (including *Basant Panchmi* day, that is *Magh* 8th). This is accused's *alibi* for the Lohatbadi meeting of January 20th (1915).

[Accused's answer to question (11) was corrected at the request of his counsel; and should run thus :—

"I did not send any letter to invite any people at all. I did not know these men, except Sundar Singh (A M.), who was made to pay a penalty."]

Similarly, as regards the *Akhand Path* at Dhandari he denies that it took place on the date alleged by the prosecution (February 17th); and asserts that it began the day after *Basant Panchmi*,—*i.e.*, on the 9th *Magh*. He further asserts that he had met accused Santa Singh at Nankana fair, and wrote to him to officiate as *Pathi;* but that, as he did not turn up, accused wrote to him afterwards from Nabha to complain of his non-attendance (our remarks in accused Santa Singh's case may be seen as to the style of letters written to this alleged comparative stranger, as Santa Singh has made himself out to be). To continue, the accused does not know Kartar Singh (L. C. C.); never wears black clothes; and has never even heard of Phemi-ke-Kai Railway Station. He says that, probably towards the end of *Phagan* (he means February, presumably) Sundar Singh came to him to get money to bribe the Police to release his sons, and was remonstrated with (compare Sundar Singh's version of this visit to Nabha, at the foot of page 161). He says that he does not even know approver Bhagat Singh; and cannot suggest why that approver should have entered his name in the diary (our remarks on Bhagat Singh's keeping of the diary have appeared previously in this judgment). He admits meeting P. W. Indar Singh of Khanna at Mallowal; and says that he officiated subsequently at a *Path* got up by that witness. He denies that *Exh. P.* 70 (the book supplement to the *Rajput Gazette*) belongs to him; and admits that *Exh. P.* 172 *A* was written by him to P. W. Ichhar Singh He says that it relates to school matters, not to any meeting; and that "strong terms were exchanged resulting in greater alienation;" but, so far as the wording of that letter itself goes, it certainly does not read as if it had been written to anyone with whom accused had had a quarrel. He admits attending the Langa Mandi annual meeting at Lahore; and adds that he there annoyed P. W. Ichhar Singh by "stopping his daughter from lecturing at it!" He admits meeting, some time afterwards, one Sundar Singh student, who told him that P. W. Ichhar Singh wanted to send him to America for education; but says that he (accused) dissuaded Sundar Singh. He cannot explain how the name "Randhir" comes to be on the slip or paper *Exh. P.* 237—and, as we have said, we can ourselves do no more than speculate on that point. He asserts that approver Udham Singh of Hans bears him enmity; having been penalised for the religious offence of cutting his hair when on his travels. Similarly, approver Bhagat Singh's father was penalised for trying to turn a Sikh out of a *Dewan;* and he (accused) annoyed approver Anokh Singh by writing to his brother Nirmal Singh in strong terms, after hearing that Anokh Singh and other youths had administered the *pahul* to a dog! He also alleges enmity against the P. W.'s Hazara Singh *Zaildar*, Channan Singh, Kishan Singh and Teja Singh of Samrala. (Kishan Singh, by the way, who supported accused's allegation that he had once been employed on plague duty, said that he himself held certificates from medical officers—accused now asserts that he stood in the way of the witness' getting a testimonial.)

The supplementary statement commences at page 559. It contains profuse expressions of loyalty; and urges that, as among members of the *Tat Khalsa* there can be no *guru* and no *chela*, the accused can have neither a disciple no

a party. It mentions the well-known fact that the *amrit* is administered by the *Panj Piare*; and says that accused never administered it alone (it was never really suggested that he had done so; but of this more anon.) The accused sets forth that various soldiers on field service have written to him and sent money for *Akhand Path* to be performed for the victory of the British Arms, and for their safe return; and we are not prepared to disbelieve this assertion, and we do believe that this accused was a person with a certain amount of religious influence, and used to go about officiating at ceremonies. In our opinion, he was the more dangerous on account of that influence, which he misused, and which caused him to be sought by men like Kartar Singh of Soraba (L. C. C.). To continue with this statement, accused says that on the 15th February he left his village Narangwal for Nabha on account of plague. On the 22nd *Bisakh* and two following days he performed an *Akhand Path* at the house of P. W. Indar Singh of Khanna (which was attended by accused Attar Singh and Dalip Singh); and on the 27th of that month was arrested in Nabha by the Nabha Police, the aforesaid 2 co-accused being detailed to cook for him. Eventually, he was transferred to Ludhiana, with accused Attar Singh still in attendance; and since June 25th, 1915, he has been in jail without having even been told what he was arrested for.

The defence exhibits to be seen are *Exhs. D.* 27, 41, 52, 53, 55, 56, 59, 60, 61, 62, 70 and 71. Some of these consisting mainly of letters, we shall discuss along with the evidence of defence witnesses, and shall give our reasons for considering that they have been manufactured for defence purposes.

Those which may be discussed briefly here are *Exhs. D.* 55 (copy of grounds of appeal); 60 (personal certificates of accused—who, no doubt, at one time was not a revolutionary); 59 (letters with envelopes from soldiers on service, which we are quite prepared to believe are genuine); 74 (copy of a judicial record put in to show enmity between P. W. Channan Singh and accused's relations); and 70 (attested copies of applications; put in to show the enmity of P. W Hazara Singh, *Zaildar*, with accused and his father). Also, *Exh. D.* 27, which purports to be a letter from accused to the co-accused Jagat Singh about his *bhog* at Gujarwal for his brother Ram Singh. It bears date of January 13th, 1915, and address "Mehmasinghwala" (to be mentioned hereafter); says a good deal about "the victory of the British Crown; fixes the *Basant Panchmi* day for the Gujarwal *bhog*; and, most unnecessarily enters as well as the dates in *Magh* the English dates of "18th, 19th and 20th January." As in the case of other letters, the thing has been altogether overdone; and this letter is most obviously a concoction for defence purposes.

Exh. D 55, copy of grounds of appeal in a case Thaman Singh *versus* *Mussammat* Kishno, Gurdit Singh, son of Natha Singh (father of accused).

Exh. D. 60, Testimonials of the accused.

Exh. D. 70, copy of a decree Jaggat Singh, *Zaildar*, Hazara Singh, Sawan Singh, *versus* Natha Singh (father of accused) suit to contest notice of ejectment as tenant—June 1901.

D. W. 74, the order dismissing the appeal (grounds of which are *Exh. D.* 60), dated 9th May 1907.

This accused has produced well over one hundred defence witnesses; and we have also to see the answers to interrogatories of Sardar Shamsher Singh, Chief Minister of Jhind State. A noticeable point is that accused's father, who might have been expected to know something of his son's doings in Nabha, has not been produced as a witness. As regards the interrogatories (*vide* page 827), Sardar Bahadur Shamsher Singh, C. I. E., simply stated that he knew this accused by name only, and nothing about his character; and that though he (the witness) had been a member of the Managing Committee of the Khalsa College at Amritsar, he could not recollect whether accused at the time was Superintendent of a Boarding House at that College. He knew nothing

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about accused's always preaching loyalty to the students there ; or advising them to take no part in politics ; or telling them not to go and hear the seditious lectures of the notorious revolutionist Ajit Singh.

D. W. 573 is Mr. Cole, now Registrar of Allahabad University, who from 1899 to 1910 was Principal of the Khalsa College, Amritsar. Accused, he says, was Superintendent of the Boarding House there for a year or so under him ; and, so far as he knows, his character then was satisfactory ; and the witness gave him a character. (We may say at once, on this point, that there is no allegation that at that time this accused was disloyal ; the evidence is that he became disloyal during the comparatively recent agitations).

D. W.'s 97 to 99 inclusive testify to accused's receiving letters from soldiers on active service *re Akhand Paths ;* and to accused Attar Singh's cooking his food after his arrest. D. W. 589 is a general witness for this and other accused, produced to discredit the Ludhiana identification by one of the Mullanpur pointsmen. This witness gives his name as " Attar Singh, " and says that the pointsman picked him out as accused Attar Singh. However, the pointsmen who were produced by the prosecution against the present accused belonged to Phemi-ke-Kai Station ; and one of them identified him in Court before us, and both of them on Jail parade.

D. W. 595 (Phola Singh of Kalaur) is really a witness for accused Santa Singh, and he asserts that at the request of that accused's cousin Lal Singh that he should " search for letters, " he searched in that accused's copy of the *Granth*, which he happened to have, and discovered the letter *Exh. D.* 41, from accused Randhir Singh to accused Santa Singh. That letter is, of course, intended to upset the prosecution date *re* Gujarwal ; and purports to have been written from Gujarwal on January 20th, 1915 (*Basant Panchmi* day). The story of this witness is ridiculously weak ; and the thing has been overdone. The letter is profuse in its expressions of loyalty ; purports to fix January 23rd as the date for the *Akhand Path* at Dhandari (Gurbachan Singh's) ; attempts to make out an *alibi* for other co-accused ; and says that, " as the period is very short, this letter is being sent by hand, " thus accounting for the absence of an envelope with an inconvenient postmark. The letter contains a great deal of irrelevant matter such as this accused would hardly have written to a comparative stranger like Santa Singh (Santa Singh described himself as a comparative stranger ; and accused Randhir Singh only mentions meeting him at Nankana fair).

We have spoken of this letter elsewhere in this judgment ; and we have no hesitation about deciding that it was concocted for defence purposes ; though, of course, we cannot say whether it was concocted when this accused came to know that other revolutionists were being arrested ; whether it was somehow got out of Lahore Jail ; or when and where it was manufactured.

D. W. 754 supports the absurd story about P. W. Ichhar Singh's daughter wishing to address the Langa Mandi meeting in Lahore, and being prevented ; and he makes out an *alibi* for accused for the 13th February 1915. He also speaks of several years back when accused stopped Khalsa College students from attending Ajit Singh's lectures ; and heard that accused stopped them from agitating about some words used by a European which had given offence.

D. W. 755, Accounts Auditor at Patiala (formerly a Khalsa College student), supports the latter portion of the previous witness' statement ; and adds the information that on the evening of that important date, February 19th, he met this accused in a *gurdwara* at Nabha. He belongs himself to the *Tat Khalsa*, which sect only recognizes the *Granth Sahib* as *Guru* ; and he says that at the *Amrit* ceremony only the " Five Friends " (*Panj Piare*) and one *Granthi* are admitted. As other evidence has been produced on this point, we may say here that it was never suggested by the prosecution that this accused alone administered the *pahul* to any one ; the statements by some witnesses that accused " gave so-and-so the *pahul* " only meant that accused was responsible for so-and-so's taking it—*i. e.*, to prove asssociations, etc., It is

however, certainly news to us to learn from this and other witnesses that the *Amrit* ceremony is carried out almost in secrecy, instead of being a more public ceremony attended, at least, by the friends and relations of the person taking the *pahul*.

We now come to a batch of witnesses comprised in D. W.'s 792 to 888. The first of these is Sundar Singh, student, who says that in January 1914 he met the P. W. Ichhar Singh at his shop, where he went to buy cloth. Ichhar Singh then asked him whether he would go abroad, and offered to provide funds. The witness says he declined the offer ; and some two months later told accused, who approved of his refusal. This witness also produces the letter (without any envelope), *Exh. D.* 52 ; and says that it was written by this accused in reply to a message conveyed by him on behalf of approver Udham Singh of Hans, who had been excommunicated for the religious offence of cutting his hair, and was anxious to be forgiven and receive the *Amrit*. The letter purports to have been written by accused on December 17th, 1914 ; and is no more convincing than the letter already remarked upon. It contains a violent denuniciation of Har Dyal's teachings ; and it shows how much the writer really knew about the person whom he and his associates are alleged to have excommunicated (presumably, after a proper enquiry), since the letter speaks of Udham Singh's departing to America without the permission of the *Sangat*, whereas, as a matter of fact, that approver went to Italy. This, in our opinion, is only another of several blundering attempts to manufacture false evidence. D. W. 793, a pensioned Sub-Assistant Surgeon of Ludhiana, and formerly owner of the *Punjabi Akhbar*, is one of those who tells us that the *Amrit* ceremony is a sort of secret ceremony ; and tells us that accused is on bad terms with Hazara Singh for several reasons ; and that accused instructs the girls of Basaur School in religious songs, and supported an offer of a *Sabha* to send some of them out to the war as nurses. D. W. 794 is a Nabha Munsiff, who tells us of accused's presence at Tara Singh's *bhog* in Mehmasinghwala during January 1915 ; but cannot recall the name of the person who had the *bhog* on *Basant Panchmi* day at Gujarwal. He says accused shifted from his village Narangwal to Nabha on February 15th. To continue with this batch of witnesses, a number of them have been produced to upset the prosecution dates for the *Akhand Paths* at the house of Ram Singh, Reservist (brother of accused Jagat Singh), at Gujarwal and the house of Gurbachan Singh at Dhandari. They attempt to make out that the Gujarwal *Path* took place on the 8*th Magh*, that is to say, *Basant Panchmi* day, the 20th January 1915 ; and that date is also intended to serve a second purpose, namely, to provide an *alibi* for this accused, who is alleged by the prosecution to have on that date attended a meeting at Lohatbadi at which school matters were, no doubt, discussed, but about which time seditious discussions took place also. (Evidence on this point has been given by P. W. Ichhar Singh ; and, though we have all sorts of evidence produced that he is accused's enemy, we have already remarked on the tone of the letter, *Exh. P.* 172 A., and we can say that he was an unwilling witness against this accused, and did what he could for him,—*vide* his cross-examination, his prevarications, and his statement that at a seditious discussion *accused sat silent*.) Some of this batch of witnesses give evidence intended to upset the date of the Dhandari *Path* ; but they disagree as to whether any person came to Gujarwal to get the Dhandari date fixed. We have other witnesses speaking, about P. W. Indar Singh of Khanna's *Path* ; as to P. W. Channan Singh's once making a false report (not concerned with accused) ; as to accused's warning Khalsa College students against Ajit Singh's lectures ; as to accused's officiating at *bhogs* for the victory of the British Arms, and proposing that 150 girls should go out as nurses to the war. Two witnesses (one is D. W. 841, an Honorary Captain, 15th Sikhs) tells us that Ichhar Singh promised Rs. 2,000 to the school, which he never paid.

D. W. 804, a Duffadar of accused's village, is equally specific as the former witness as to the date, the 15th February ; and we learn that accused not only encouraged recruiting, but that some four years ago he was anxious to be enlisted himself. D. W. 808 speaks of the enmity of P. W. Ichhar Singh

and approver Sundar Singh; but he ascribes it to this accused's objecting to their using undue influence to obtain funds for the school. D. W. 809 is a particularly unfortunate witness from the defence point of view, for the reason that, whereas we have been told by accused (*vide* answer to question 17 on page 188) that it is not his rule to wear black clothes (and consequently, he cannot have been seen in such garb at Mullanpur Station on February 19th) this witness tells us of accused's attendance at a *path dressed in black with a quoit on his head*. D. W. 815 is the Tara Singh, mentioned already, at whose victory *Path* in Mehmasinghwala the date for the Gujarwal *Path* is alleged to have been fixed. D. W. 821 and other witnesses (who happened to go to Nabha about a marriage or on other business) saw accused there on the 8th *Phagan* (19th February) and subsequent dates; and D. W. 825 (a Patiala *Zaildar*) tells an absurd story about that date. He went on the 8th *Phagan*, and again the next day, to get a law-book which had been translated by accused's father; and he saw accused at his father's house in Nabha on both those days. He did not produce the book in Court, and accused's father has not appeared as a witness. D. W. 826, who says he "is fond of law," supports part of this story about the book. D W. 840 says that accused's grandfather did good service in the Mutiny; and D. W. 837 repeats the story about Ichhar Singh's enmity, and about accused's preventing his daughter from speaking at a public meeting in Lahore. It is this witness who asserts that he and accused returned from the Langa Mandi meeting in Lahore *direct to Ludhiana*—that is, not breaking the journey at Amritsar. This is an attempt to controvert Ichhar Singh's story *re* accused's suggestion of Sundar Singh, student, as a suitable youth to send to America to be educated for revolution; but the accused himself said nothing about not going to Amritsar. Then follow some witnesses as to character; after which we come to D. W.'s 845 to 848 (the first of whom owns land near Mullanpur Railway Station) who say they saw no black-robed men on February 19th; nor saw accused there; nor P. W. 46 Kishan Singh, *Zaildar* (whom accused alleges he baulked of a plague testimonial) getting out of a train. D. W.'s 849, 850 and 851 assert that Bhagat Singh approver's father incurred a religious penalty; and that Bhagat Singh has no qualifications himself as an *Updeshak*. D. W. 853 is a Judge of the Patiala Chief Court, whose statement we are perfectly ready to accept. This gentleman was a member of the Managing Committee of the Khalsa College; and he testifies to this accused's having loyal notions up till 1910—since which time, however, he has not seen accused.

D. W. 856 and others try to make out that "on the 19th" (they have obviously been tutored as to the date) Kishen Singh missed his train, and had to walk; and we have more witnesses produced to say they saw no black-robed men with "music" (*i.e.*, the harmonium) at Mullanpur Station.

D. W. 861 is the Editor of the *Khalsa Akhbar*, who produced a copy of his issue of the 5th June 1914, reporting the proceedings at the Langa Mandi meeting at Lahore. This Court, at the time, made a note on the record that the tone of the speeches *re* the *Rikabganj Gurdwara* matter was (as reported) not moderate.

D. W. 862 attempts to support the assertion of approver Anokh Singh's enmity; but according to him, it was that approver's *brother* who "served the *amrit* to dogs." D. W. 863, Editor and Proprietor of the *Rajput Gazette* (shown *Exh. P.* 70.) is *unable to say* whether the advertisement of seditious works by Ajit Singh and Sufi Amba Parshad formed a supplement to his paper; he says accused is not a subscriber. D. W. 865 says that that exhibit was not signed before him at the time of the search. He also happened to see accused get out of a train at Nabha on the 15th or 16th February. D. W. 864 is another Editor, who says that the *amrit* is always administered behind closed doors. D. W. 867 is father of the co-accused Nahar Singh, tells us of alleged Police malpractices; says that Kishan Singh told him he was only "obeying the Police" (up to this we had been led to suppose he was actuated by enmity); and alleges the enmity of Hazara Singh, *Zaildar*.

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D. W 868 returns to the story of Ichhar Singh's daughter not being allowed to lecture; and D. W. 870 confirms the prosecution dates of the 8th and 17th *Magh* for Lohatbadi school meetings; and says accused was not there on the 8th.

D. W. 871, a Lahore Medical student, identifies accused's handwriting in *Exhs. D.* 41 and 53. He also refers to accused's letter to him containing a message for D. W. 872. The envelope has disappeared. D. W. 872 produces the letter (*Exh. D.* 56); which, he says, he found in a book, and took out "when he heard that accused was going to be involved." That letter purports to have been written *at Nabha on the 19th February*; and is, of course, intended to support the assertion that accused departed to Nabha on February 15th. It contains expressions of loyalty also; and makes some mention of recruiting. We are, however, entirely unconvinced by this kind of evidence.

D. W. 878 met accused in *Phagan*, "on the 14th or 15th of an English month." D. W 877 says that the *amrit* is always administered in privacy. D. W 876 (an Honorary Lecturer of the Gujranwala War Association) tells us that accused took a ticket for Ludhiana *direct* after the Langa Mandi meeting at Lahore; and also states:—"he once said to me, tearing up a newspaper in my hand, that Sikhs will suffer if they follow Ajit Singh." He further says that accused objected to the students of the Khalsa College according a reception to "a political man" like the late Mr. Gokhale; and he, too, asserts that the *amrit* is always administered in a conclave only consisting of the *Granthis*, the *Panj Piare* and the novice.

D. W 880 (a *Vakil's* munshi of accused's village) met *Zaildar* Kishan Singh, who told him that he intended to give false evidence in the present case because the accused had prevented his getting a plague testimonial. D. W. 883 says that accused got approver Sundar Singh (A. M.) penalised at Indar Singh of Khanna's *Path* for mixing with *chamars*. He says there was no secret meeting after the Dhandari *Path*; but, having presumably learnt his story incorrectly, mixes it up with the *path* at Gujarwal.

D. W 885 (student) speaks of accused's loyal advice; and tries to support the defence story about the student Sundar Singh.

D. W.'s 886 and 888 (a young student of Jagraon School) concern the reading out of the letter *Exh. D.* 52 to Udham Singh of Hans; but the latter of them has forgotten its purport, in spite of its denunciations of Har Dayal and his doctrines

D. W. 897 (formerly a Khalsa College student) speaks *re* the warning against attending Ajit Singh's lectures; D. W. 898 saw no black-robed men at Mullanpur on the 19th February, and says accused advocated recruiting; D. W. 899 says he saw P. W. Indar Singh at Khanna on February 20th at a *Diwan;* and also P. W. Teja Singh, who had been there for some days reading the *path*, was making himself unpleasant by claiming the whole of the offerings. D. W. 900 took his wife, a pupil of accused, to visit accused's wife on the 18th February, and stayed a day with accused. D. W. 903, Secretary of a *Singh Sabha*, testifies to accused's good character, and to a 3 days meeting at Kaonke, from February 20th to 22nd. The next witness saw accused and his family leaving the train at Nabha Station on the 15th of that month; and saw him in Nabha for several days afterwards D. W. 905 (uncle of accused) is also as to this *alibi*; and says he cannot identify *Exh. P.* 70 (*Rajput Gazette* Supplement); but, though he says he can only write his name and is otherwise illiterate, he does not deny signing the *fard baramdagi*. We have other witnesses as to Bhagat Singh's inabilities as a preacher, Kishan Singh's enmity; and D. W. 910, a Ludhiana Police Inspector, is produced to say that Gurbachan Singh showed him a letter about a *path*; which he did not take, as he thought it was not necessary for this case. D. W. 911 (mother of co-accused Arjan Singh) asserts the ill-treatment by the Police of P. W. Indar Singh and his wife, *Mussammat* Nihal Kaur; and D. W. 913 (brother of co-accused Jagat Singh) is to the same effect. D. W. 914 (the recalled Patiala Auditor) identifies *Exhs. D.* 41 and 56 as in accused's

handwriting ; but says Exh. D. 53 is not. That letter (dated 4th May 1915) only purports to be from 2 Daffadars, with a mention of sending accused money to get *Akhand Path* performed.

D. W. 920 is another witness who speaks of the *bhog* at Gujarwal as on *Basant Panchmi* day ; and says that a man arrived during it to invite the singing party to Dhandari.

D. W. 973 (accused's brother—who, we notice, was not questioned as to *alibis*) produced Exh. D. 59, letters to accused from soldiers at the front about getting up *Paths* ; and we see no reason to doubt that those letters are genuine. The witness identifies Exhs D. 41, 52 and 56 as being in accused's handwriting. Curiously enough, D. W. 1001, who is actually a lambardar of Gujarwal, though he remembers the *bhog* with which accused Jagat Singh (brother of Ram Singh Reservist) was concerned, was unable (or unwilling) to remember either the date or the month when it took place. D. W. 1002, a Patiala *updeshak*, keeps a diary for his committee ; and produces Exh. D 61. The diary is mainly written up in pencil ; and the witness tells us that such diaries are served out by the society by which he is engaged. However, his diary for the present year has no endorsement by the *Gyani* such as Exh. D. 61 purports to have. He says that on February the 18th, 1915, he was at Majra village, and on the 19th at Majri ; and that P. W. Indar Singh and his wife (P. W. *Mussammat* Nihal Kaur) were both at Majra, and Indar Singh alone at Majri, on those respective dates ; and that he returned with both those persons to Khanna (Indar Singh's village) on the 19th. Neither this witness, nor his diary, impressed us any more favourably than did the letters already remarked on. D. W. 1003 (*chaukidar* of accused's village) produces a Death Register, Exh. D. 62 *re* plague during February 1915 ; and says he saw accused carting away his goods. (As we noted at the time, *vide* page 819, the entry of February 17th appears doubtful.)

D. W. 1004 corroborates D. W. 1002 *re* P W Indar Singh's leaving Khanna on February 19th and arriving at Salana on the 20th (the idea, of course, being to show that P. W. Indar Singh was not on his way back from his mission to the *Bar* at the time ; nor his wife in search of him at Ferozepore). D. W. 1005 met accused at Dhuri *gurdwara* on February 15th, where the train for Nabha stops for 2 hours. D. W.'s 1001 and 1006 are alleged carriers of accused's letters (sent by hand) to co-accused Santa Singh. D. W. 1007 (also named Randhir Singh) seems to have been produced with the object of making out that a person other than accused was at the Lohatbadi meeting ; however, he denies that he was there.

D. W. 1035 says accused's character is very good, and that on the 8th *Phagan* (19th February) the accused asked him in Nabha about his son's safety at the War.

Lastly, D. W. 1042, a pensioned Overseer of Patiala State, reverts to the alleged enmity of Sundar Singh (A. M.) and P. W. Ichhar Singh, and to Ichhar Singh's refusal to pay up a promised donation of Rs. 2,000 to a Girls' School near Basaur in which accused is interested. He says that the matter came up before the *Dewan*, that proceedings were entered in a register, that it was decided to separate Ichhar Singh from the school ; and that he and Sundar Singh (A. M.) then set up a rival school at Lohatbadi.

This concludes the defence evidence. In justice to this accused we have given details of it at great length ; but we may say at once, in a very few words, that it has utterly failed to convince us. It, of course, lies upon the prosecution to prove the guilt of an accused ; but, while we believe the prosecution evidence as regards this accused, we cannot but remark on the wholesale perjury and concoction which we are convinced has been employed in this accused's defence—some of the evidence being so utterly childish and transparent that we can only wonder that it was thought worth while to produce it in a Court of Law. It shows clearly the influence exercised by this accused (which, no doubt, made him the more desirable as a co-worker to the real leaders of the *Ghadr* party) that he has been able to produce among his

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defence witnesses several persons holding respectable positions; and it is most regrettable that some of those persons should have been willing to lend themselves to giving false evidence, as they have done

Counsel for the defence has, naturally, had an exceedingly hard task; and we are in no way convinced by his argument. A large portion of it consists simply of assertions in support of the defence witnesses on whose statements we have already commented. We certainly cannot accept the argument that P. W Ichhar Singh was accused's enemy; and have already given reasons for that view. We have, we think, sufficiently commented on the alleged *alibis*, and the attempts made to upset the prosecution dates for Gujarwal and Dhandhari - and would only add that it would have been the greatest act of folly on the part of the prosecution to have attempted to concoct false dates for those meetings or a false story about accused's going to Ferozepore on February 19th. Counsel has urged that, had accused been a "conspirator," he would never have missed the Lohatbadi meeting of *Magh* 17th; but, while we disagree with the Government Advocate that the letter, *Exh. P.* 172 A shows from its context that accused was at the previous meeting of *Magh*, the 8th, it has never been the case for the prosecution that he was there on *Magh* 17th. That letter may contain a genuine expression of regret that accused could not attend a meeting about school matters; or it may possibly convey a hidden meaning as well (though accused, of course, took no part in the Jhaner dacoity which was discussed on *Magh* 17th); but the real importance of that letter to our minds is that it shows that accused was on good terms with P. W. Ichhar Singh. As regards the Ferozepore raid, Counsel for the defence can only suggest that the raiders were "local people" not "outsiders." We have already given our conclusions elsewhere *re* the date of the visit of approver Anokh Singh and Kartar Singh (L. C. C.) to this accused at Dhandari. We also find no difficulty whatever, as was pointed out at the time to Counsel with a map, about the journey of Udham Singh of Hans from Ludhiana Station to Mullanpur Station. On such an important occasion he might well have started soon after 3 A. M. (not at 8 A. M. as Counsel suggests) and have covered some 26 miles by 4-30 P. M. the same day (*vide* page 197). We have already commented elsewhere on our conclusions as to approver Bhagat Singh's diary; and, as regards that approver, the defence Counsel has suggested that his enmity with accused was due to "their different modes of life" – apparently forgetting the defence evidence on the point. Though Counsel told us in argument that accused's father has been undergoing an operation, no defence witnesses were produced to show why he was not produced as a witness to most important facts in connection with a son with whom he is, apparently, on good terms. As regards the advertisement of seditious books, it is now suggested that perhaps Hazara Singh, zaildar, put it where it was found; or that it was "put there by some co-accused who wanted to get rid of it!" At the end of Counsel's argument comes an explanation regarding the defence allegations as to the *privacy* with which the *pahul* is administered; and we are asked to believe that perhaps the "meeting with *closed doors* at Dhandari "only meant that some one was being given the *pahul* there!

Counsel for the Crown points out that the alleged enemy Ichhar Singh, on Jail parade, was anxious not to identify, pleading "sore eyes" as an excuse. Our remarks about the name "Randhir" on the slip of paper are (as we have said before) purely speculative; but we cannot accept the suggestion of defence Counsel that it was this slip of paper which started the case against accused, who was mentioned by Ichhar Singh in the last Lahore conspiracy case.

Exh. D. 27, by the way (the alleged letter from accused to the co-accused Jagat Singh) was, as Counsel for the Crown points out, never even proved in Court.

We see no necessity for pursuing the arguments of either Counsel further: and we consider the case against this accused overwhelming.

We do not desire to press anything against him. He appears to have been an ordinary loyal citizen, at any rate, until 1910 or 1911 ; and we daresay he continued to be one after that time. Whether he became a revolutionary because of some fancied grievances, or whether he joined the *Ghadr* movement under the impression that it would become popular and with a craving for notoriety, going about the country with a number of adherents, we shall probably never know. Of his guilt there can be no possible doubt whatever ; and we cannot lose sight of the fact that it was his influence that brought several of the co-accused (including mere youths and the old man Ram Singh) into the dock. He is obviously a very vain man, belonging to a very strict sect ; but he had not really the brains to become a *Ghadr* leader of the type of Kartar Singh, for instance. We are ready to say what we can in his favour ; but it only amounts to this, that the idea of the Ferozepore raid did not originate in his brain. He and his party went there more or less under the orders of Kartar Singh of Soraba ; but his readiness to comply with orders from *Ghadr* leaders is shown by the fact that he, a man of 38 years of age, was prepared to accept his instructions from a young man (almost a youth) like Kartar Singh of Soraba.

We are satisfied on the evidence that accused from an early period conspired to wage war on several occasions as above indicated ; and that he committed an act of war in going to Ferozepore in a warlike array to attack the arsenal there ; and we accordingly convict him under section 121 A, 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to Government.

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70. Ranga Singh *alias* Roda Singh, son of Gurdit Singh of Khurdpur, Police Station Kartarpur, District Jullundur, aged 30 :—

This accused, who pleaded "Not Guilty," to the charges framed against him (page 657), was one of those who returned (he says, from San Francisco) by the ss. *Australien*, along with accused Mastan Singh and others, reaching India on 21st December 1914.

He was arrested on June 27th, 1915 ; and was interned on August 26th, 1915.

He was identified on Jail parade by approver Bachan Singh ; and in Court by that approver (who gave *both* his names) ; Amar Singh, II, and 234 (the Hoti Mardan *sharbat* seller).

P. W. 225 could not identify him in Court.

We shall have, later, to consider with regard to this accused the confession of accused Pakhar Singh.

Approver Bachan Singh, who has identified accused both as "Ranga Singh" and "Roda Singh," states that accused was one of the *Ghadr* men visiting Pakhar Singh's well. He was at the garden assembly at Kapurthala on June 5th, 1915 ; and, when the attack on the magazine was postponed to the 12th, accused (armed with a pistol) was one of those selected for an attack on the Walla Bridge Guard ; and was in a group with Banta Singh, Kala Singh and Channan Singh (Walla Bridge murderers—since hanged). According to this witness, accused and his group, and Atma Singh and Harnam Singh eventually turned up near the bridge for this attack ; but find the sentries alert, and withdraw ; and accused departs in wrath, reproaching his companions for cowardice. Cross-examined (page 193) the witness denies having seen accused in the *havilat* ; and says that he only got to know accused when he started to visit the well of Pakhar Singh.

Approver Amar Singh, II, corroborates as to June 5th—and says that accused volunteered for the proposed attack on Walla Bridge.

P. Ws. 221 and 222 (tendered) concern the point that accused returned to his village on December 22nd, 1914, after 6 years abroad ; and only stayed there some 24 days. P. W. 221, as lambardar, reported to the Police.

From them we also learn that accused used to be in service ; and has a brother in the Guides.

P. W. 225 states that the Police brought a man who said that he had fed at the witness's house. The witness remembers 4 men feeding at his *gurdwara* shortly before the Gondwal ferry murder ; which followed during the pursuit of the Walla Bridge murderers ; but this witness cannot identify the accused.

P. Ws. 136 (Inspector, Hoti Mardan), 234 (a *sharbat* seller of Mardan) and 238 (Risaldar-Major in the Guides) are as to accused's arrest at Mardan. The *sharbat* seller tells us that Partab Singh, sowar, brought accused to his shop, calling him his brother, Roda Singh. Two months later, accused came alone ; and in the evening brought 4 others. These persons wanted a tonga to get across the Border ; but eventually the 4 men left, and accused was arrested. The Inspector effected the arrest on the night of 26th-27th June 1915 at the *sharbat* shop ; and found that 3 other Sikhs had left a few hours before. He learnt of accused from the Assistant Commissioner of Mardan, who got his information from the Officer Commanding the Guides. Accused was asleep at the time of his arrest ; gave both his names ; said that he was a Budge Budge man, and had been wandering about. Accused had arrived at Mardan on June 25th ; and said he had come from Nowshera. He had only his clothes and a *chadar*.

P. Ws. 360 (Inspector Harkishan Singh, C. I. D.), 223, 224 testify to the discovery by accused on 22nd August 1915 of the hand-printing machine, *Exh.* 108 B, from where it was buried by the roadside, near Sangwal. The first of these witnesses recorded the statement of accused, who said that he and

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another had buried it. The witness says that the attesting witnesses were got at the Railway Station, as no village was handy.

P. W. Mr. Slattery (page 549) tells us that accused was registered as "Ranga Singh" by Mr. Isemonger when he arrived at Ludhiana.

This accused has been mentioned in the confession of co-accused Pakhar Singh as Roda Singh, who came with accused Ishar Singh and spoke to him in a most revolutionary strain. According to the witness, who keeps the *sharbat* shop at Hoti Mardan, Ishar Singh was another of those trying to get across the frontier).

Accused's statement appears at page 492. He cannot remember on what ship he returned to India (it is proved that he returned on co-accused Ishar Singh's boat, the *Australien*), and says he returned from San Francisco on account of want of work (due to the war). He says that his name is Ranga Singh, but admits that he gave his name to the keeper of the Mardan *sharbat* shop as "Roda Singh" in order to avoid arrest. He denies all allegations against him; says he used to be in the 30th Cavalry, and that he went alone to Mardan to demand his half share of patrimony from his brother Partap Singh in the Guides. He denies knowing anything about the hand-printing machine; says that the *sharbat* seller Ishar Das, who was arrested with him, is lying to save himself; and asserts that there was underhand work on the part of the police at Ludhiana and Jutogh with respect to Bachan Singh, approver, and P. W. Ichhar Singh. He is correct in saying that approver Amar Singh, II, did not identify him on Jail parade; but he did in Court, and was not cross-examined. He says that his brother wrote about the share of patrimony to the Commanding Officer, who sent on the petition to the Deputy Commissioner.

In a supplementary written statement (page 554) he says that he left his village because the police were after returned emigrants. He repeats the story of his reason for visiting Mardan, and his allegations *re* identifications by witnesses.

Exh. D. 77 is a police register produced to show that this accused and P. W. Ishar Das, *sharbat* vendor, were together in Mardan *havalat* for three days.

The defence witnesses are D. Ws. 943 to 956 inclusive. The first of these is accused's brother, Partap Singh of the Guides Cavalry, who says that on his return from abroad accused demanded his share, which the witness said he would pay over in *Jeth* or *Har* after recovering it from one Ichhar Singh, to whom it had been lent. Further, that he petitioned the Deputy Commissioner "to realize the money from Ichhar Singh and pay it to accused." (This seems an absurd statement; especially as the accused said that it was petitioned that the money should be paid "direct to Mardan"). The witness says that he has never heard of his brother as "Roda Singh;" that accused was anxious to enlist; and that his (the witness's) Risaldar Major (P. W. 238) bears the witness a grudge. D. W 946 is the alleged debtor Ichhar Singh, who says that "by order of a Deputy Commissioner" he repaid the money, to *accused's brother's wife*! The remainder of these witnesses give utterly unconvincing evidence as to character; as to accused's leaving the village on learning that another returned emigrant had been arrested; as to accused's desire to enlist; and as to his name and the share of money. No documentary evidence whatever has been produced, not even regarding the alleged petition.

Defence Counsel has tried to make capital out of the statement of approver Bachan Singh (who called accused by both his names) that accused "departed in wrath" from the first attempt on the Walla Bridge; and says that there is nothing to corroborate Ishar Das, *sharbat* seller; but we can see no reason for his inventing the story about men anxious to cross the frontier We do not attach undue weight to the recovery of the hand-printing machine; but we know that revolutionists had such things, [and, as Crown Counsel has asked, why proceed to bury it, if it was not intended for anything objectionable;

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and he refers to co-accused Pakhar Singh's confession as corroborating Bachan Singh, approver. He points out how accused returned on the same ship as co-accused Ishar Singh and Uttam Singh, Mastan Singh and Pakhar Singh; was originally selected for an attack on Walla Bridge, and was angry when it did not come off on that occasion; and he urges that, by his presence at the Kapurthala assembly of June 5th, this accused abetted the Walla Bridge murders, which did subsequently take place.

We are satisfied that this accused came from America; and on arrival in India early got into touch with the Dhudhike revolutionists, was present at the Kapurthala gathering on the 5th June; was selected to form one of the Walla Bridge attacking party, and left that party before the final assault, because they would not attack at once; and when being searched for he tried to escape across the frontier.

We find him guilty under sections 121 and $\frac{302}{109}$, Indian Penal Code, and sentence him to be hanged by the neck till he be dead and direct that all his property, liable to forfeiture, be forfeited to the Crown.

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72. Rur Singh, son of Samand Singh, of Talwandi-Dusanj, Police Station Moga, District Ferozepore, aged 40 :—

This accused who pleaded Not Guilty " to the charges framed against him (page 658), is not a returned emigrant. He was arrested on 5th August 1915.

We shall have later to consider in connection with his case the confessions of 2 co-accused.

This accused has only one eye. It has been urged throughout on behalf of the defence that this bodily defect would render it a simple matter for witnesses to be tutored in order to identify him—the more so, since it would have been obviously impossible to collect a number of other persons with only one eye apiece on Jail identification parades. However, it has also to be borne in mind, that such a defect would make him more noticeable to any ordinary observer who might have seen him, perhaps, only once. Mr. Scott (P. W. 10) has told us that on Jail parade there were at least 2 other men with " bad eyes."

He was identified on Jail parades by the following approvers and witnesses :—Bachan Singh, Amar Singh II, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95 and 101.

In Court, by the same 2 approvers ; the latter of whom did not name him, but said he had seen him during *Jeth* in Kapurthala.

P. W. 83 failed to identify him on Jail parade.

Approver Bachan Singh makes a lengthy statement about him, which runs as follows :—Accused was one of the *Ghadr* men who used to visit accused Pakhar Singh's well ; and he was called, along with the witness by that accused, who said that accused Ishar Singh and Banta Singh (since hanged) " wanted some work done. Pakhar Singh then excuses himself on the plea of ill-health and his being on security ; and suggests that accused and the witness should go to Kapurthala for the proposed looting of the magazine. A consultation takes place, and accused leaves with the witness from Ajitwal Station for Kapurthala ; attends the assembly in the garden there, and, when the date is postponed from June 5th to the 12th, accused is selected as one of the men for the attack on the Walla Bridge Guard. For this attack accused is in a group with the witness, accused Prem Singh and Lachhman Singh. On the way Prem Singh at village Khara introduces the witness and accused to Harnam Singh and Atma Singh (since hanged) and the party leaves at night for the canal bridge, where the gang of eight was to assemble. This accused is sent back by Prem Singh to fetch a bottle of acid left at Harnam Singh's house. The second group of four does not turn up ; and on the next morning but one the witness finds accused with Atma Singh and Harnam Singh at Khara *gurdwara* ; the other group turns up ; and it is decided to attack the Bridge Guard the same night. Accused and the witness reach the bridge at sunset, and are joined by accused Ranga Singh's group and Atma Singh and Harnam Singh. However, the sentries at the bridge are found on the alert. The gang wander about to different places, whilst attempts are made to collect more men and arms, and to see whether it is possible to murder "a *zamindar* of Padri " (presumably Kapur Singh, who was subsequently murdered – he was a witness in the Lahore conspiracy case) ; and a fresh decision is come to to attack the bridge. The witness, accused, Harnam Singh and Atma Singh go to the *dera* of Jata Dari, *Sadhu* and ask for cooking utensils; and a lambardar (P. W. 101 takes off the *Sadhu* on his mare to Tarn Taran *Massia*. On the night of June 11th, the accused and witness proceed towards the bridge ; and are joined by Atma Singh, Harnam Singh, Banta Singh, Lachhman Singh, Channan Singh and Kala Singh ; prayers are said for the success of the enterprise ; and at about 1 A.M. the attack on the Walla Bridge Military Guard takes place, whilst a train is crossing over the bridge. The details of that outrage are well-known ; and formed the subject of a separate case. A sentry and another man of the guard were shot ; and this

witness distinctly asserts that accused was with the assailants at the time when the sentry was shot ; but was found to have disappeared at the time when the rifles stolen from the guard were being packed up, and was afterwards found where the clothes and shoes of the assailants had been left. After this, accused and the witness leave for Kapurthala ; and on the night of June 12th meet accused Prem Singh near Kapurthala. The Kapurthala " Havildar " tells them of the capture by *Baurias* of accused Arjan Singh, Bir Singh, Kapur Singh (discharged) and Buta Singh (hanged). After the attack, the witness tells us, accused had exchanged turbans with Lachhman Singh. The accused and witness spend the might in a jungle ; and next day meet accused 64 Pala Singh. Accused and the witness then have further wanderings (to Janatpura and elsewhere), and reach their homes.

This is a long and very detailed statement ; and the cross-examination (page 192) amounted to next to nothing. The witness says that accused cultivates no land in the witness' village, but lived there for some years with a relation. He denies that he ever found accused coming out of his house ; or beat him, or had a quarrel. The witness admits that he has no children ; and the defence suggestion is that his wife, being dissatisfied with him, had an intrigue with this singularly unattractive one-eyed man.

Approver Amar Singh, II, who has identified accused both on Jail parade and in Court, corroborates that he was the one-eyed man at the Kapurthala assembly of June 5th, and says that accused volunteered for the Walla Bridge attack. He had never seen accused before (page 242).

P. W. 111 Randhir Singh sepoy of the 42nd Deoli Regiment identifies *Exh. P.* 72 as his *safa*, which disappeared during the Walla Bridge attack. It bears the witness's regimental number. P. W. 54, Superintendent of Police, Kapurthala, states that on September 28th, 1915, the Kapurthala " Havildar " Bhagwan Singh produced the *safa* (*Exh. P.* 72) and some clothes, which he said this accused and another man (apparently approver Bachan Singh) had made over to him the day after the Walla Bridge affair. P. W. 55 corroborates *re* production of the *safa*.

P. Ws. 79 and 80 (lambardars of Dhudhike) are as to the production by accused of the *safa*, *Exh. P.* 62 (the one exchanged with Lachhman Singh) ; and P. W. 220 Inspector Iqram-ul-Haq corroborates that accused produced it on August 5th at Dhudhike. The witness knew nothing about this *safa* until accused mentioned it ; and Bachan Singh, approver's statement was not recorded till afterwards. Nothing suspicious was found on search of accused's house.

P. W. 287 (Inspector, Criminal Investigation Department) states that on July 24th, 1915, the co-accused Mohindar Singh gave away that accused and approver Bachan Singh had been to the Kapurthala assembly and thence to Walla Bridge ; and the witness and another Inspector went to arrest accused, who lives in his relation's house at Dhudhike. The witness denies having heard accused then asked to produce anything.

We have also a number of prosecution witnesses (*vide* P. Ws. 83 to 95 and 101), in respect of accused's wanderings both before and after the Walla Bridge affair. They belong to villages mentioned by approver Bachan Singh, such as Khara, Janatpura, Chitti, Gandran and so on ; some of them identified accused simply as a " one-eyed " man, and have said that he came with the police and pointed out their houses. We find him mentioned by them as in company with approver Bachan Singh, accused Prem Singh, Atma Singh and Harnam Singh (the two latter being Walla Bridge murderers). P. W. 89 (Sub-Inspector of Tarn Taran) testifies (*re* these wanderings) to the report made by one Sodhi Jawand Singh (*Exh. P.* 84 of June 11th, 1915,—the actual date of the Walla Bridge attack. P. W. 101 (Bishan Singh, lambardar) corroborates an item in Bachan Singh's statement ; he is the lambardar who took off the *Sadh* on his mare to the *Massia*. He was on his way to Tarn Taran with revenue at the time and saw accused and Bachan Singh in Thattha at the *Sadh's* ; and he actually produces a revenue receipt, dated the 11th June 1915. Cross-examined, he says that Bachan Singh identified him at the thana ; and that he said he could identify a one-eyed man.

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The co-accused who have mentioned this accused in their confessions are Pakhar Singh and 64 Pala Singh. The first mentions him by name, and as a one-eyed man who went with approver Bachan Singh to the first Kapurthala meeting (that of June 5th, where the attack on the Walla Bridge Military Guard was decided on) and again as returning some days later with Bachan Singh; and the confession runs-- " Rur Singh and Bachan Singh told us that they were also among those who had seized the rifles at the bridge, but they did not tell me the name of the bridge, which they said was near Amritsar ; and that they had also attended the second meeting at Kapurthala." The co-accused (64) Pala Singh corroborates that this accused and Bachan Singh attended the first Kapurthala assembly ; and he mentions meeting the same 2 persons together on his way home after his visit to Kapurthala for the second meeting. (We may certainly conclude that, had there been any desire to concoct evidence, we should have had some mention of the bridge attack from Pala Singh ; and that Pakhar Singh would have been tutored to know the name of the bridge).

Accused's statement to this Court will be found at page 494 He, of course, denies all allegations against him ; and did not know accused Prem Singh (sentenced in the Padri case) ; nor exchanged turbans. He says that, being one-eyed and deaf, he could have been of no use. He says that the *safa*, *Exh. P. 62*, is his own ; and that the Police maltreated him, and, along with Bachan Singh, approver, took him about to various places. He says that he cannot imagine why he has been arrested ; but that Bachan Singh is his enemy.

His defence witnesses are D. W.s 579 to 588 inclusive. The first of them (they all come from Dhudike village) says that accused is hard of hearing, and attended on him for 1½ months from the middle of *Bisakh* when the witness (an ordinary *tarkhan*) was ill. He was actually treated by a different person. Others of these witnesses allege quarrels between Bachan Singh, approver, and accused about fodder and a marriage. Three of them used to see accused wearing a *safa* made of *tassar*, which the Police took away. The evidence is utterly worthless.

Counsel for the Crown contented himself with saying that there was an overwhelming case against this accused ; and asked that sentence of death should be passed.

The arguments of Counsel for the defence really amounted to very little. He urged that certain approvers did not mention this accused ; which does not look like tutoring He rightly urged the point, what qualifications a deaf and one-eyed man (who would be very noticeable) would have as a member of a raiding party ?—but we were told by Amar Singh, II, approver, that accused volunteered for the work ; and he would, of course, have been useful to watch the clothes, etc., of his companions, and to help carry any loot. It is urged that there were no other one-eyed men on jail parades : naturally, it would be difficult to select such persons for parades, and we are quite prepared to agree that accused was easy to identify. We are not prepared to believe that the story *re* the *safa* was invented, nor the evidence produced to show that Bachan Singh is an enemy. Accused's Counsel has also urged that the confessions of accused in the Walla Bridge murder case only speak of 6 men ; not 8 men. Counsel for the Crown has objected to the admissibility of this ; but it suffices to say that at the time of that case there was not so much information about the Walla Bridge affair as there was later on ; and that accused persons frequently omit the names of others not in the dock with them.

In short, we do not believe that this accused has been wantonly implicated ; and the case against him is heavy in the extreme. Even if we were to at all discount the evidence that accused, on account of physical infirmities, took no part in the actual attack, still, the part played by him would render him liable to a capital sentence.

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We are satisfied on the evidence that accused was one of the revolutionists who foregathered at Dhudike, was present in the projected Kapurthala raid on the 5th June, was selected as one of the persons to attack the Walla Bridge, was actually present in the initial assault when two men were murdered, but retired before the end. He was not one of the actual murderers, but was present at the time of the murder, aiding and assisting the murderers, and is equally guilty with them.

We accordingly find him guilty of waging war under section 121, Indian Penal Code, and of murder under section 302, and sentence him to be hanged by the neck till he be dead, and direct that all his property liable to forfeiture be forfeited to the Crown.

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73. Sadhu Singh, son of Sher Singh, of Sur Singh, Police Station Khalra, District Lahore, aged 28:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 659), is alleged to have sailed from San Francisco by the *s.s Korea*, and to have disembarked at Shanghai with the notorious Nidhan Singh (L. C. C) to bring on revolutionists. The accused admits sailing from San Francisco by "either the *Korea* or the *Manchuria*," and from Shanghai to India on a Jardine Company boat. It is now admitted by the prosecution that he was not a *Tosha Maru* passenger, as was thought at first.

He was arrested on the 12th September 1915. We shall have later to consider in connection with him the confessions of co-accused Labh Singh of Waltoha and Kesar Singh.

He was identified on Jail parade by approver Natha Singh, who said that he had not seen him at gatherings, but that "he was concerned" (Natha Singh belongs to accused's village.) Also by approver Nawab Khan as having come by the *Korea*. In Court by approver Sundar Singh (W G.) after a little thought; Natha Singh, Nawab Khan, and Umrao Singh (who did not name him, but said he had seen him at Frisco when embarking on the *Korea*).

Approver Kala Singh failed to identify him in Court—on the ground that accused was "not well-dressed," but said that his name was well-known at the Jhar Sahib. Approver Bhagat Singh wrongly identified this accused as accused Uttam Singh.

As regards the statement of approver Sundar Singh (W. G.), the witness, though he spoke of a "Sadhu Singh of Sur Singh," did not seem to be sure (*vide*, for instance, the middle of page 76 of the record) whether it was the accused who reached Amritsar on *Dewali* day with Mathra Singh's party; belonged to accused Gujar Singh's party there; and was at Tarn Taran *Masya*. However, he says that accused accompanied him and Indar Singh of Sur Singh (L. C. C.) to the Jhar Sahib, where they met other accused. About November 22nd, 1914, accused leaves his village with the witness and Indar Singh; and is present at the Jhar Sahib gatherings of November 23rd and 26th. Cross-examined, the witness says that he has often seen accused; and that he entered his name in the Khairon note-book (*Exh. P.* 1), after seeing him there. This is not a fact. He admits that he failed to identify accused at Amritsar; and attributes his slight hesitation in Court before us to accused's beard.

Approver Natha Singh states that accused, along with accused Budha Singh and Channan Singh, visited him, talked *ghadr*, and incidentally tore up two photographs of Europeans at the witness' *baithak;* saying he had done the same at Howrah *Gurdwara*. He tells the witness that he has visited accused Gujar Singh, Wasakha Singh and Natha Singh of Dhun. Next morning, the witness, accused Budha Singh and Channan Singh go to Bhure; where accused and Channan Singh separate, but return next day saying that they had seen Lal Singh of Bhure at the Jhar Sahib, who had taken them to his house and showed them some *chavis*, and had told them that a blacksmith of Shekh village was making more. Accused (according to this approver) asked the witness to attend the *Masya* at Tarn Taran; named to him some *ghadr* "leaders" who were to be at a meeting there; attended himself, and took the witness to accused Ganda Singh *Nihang;* and accused talked *ghadr* with Budha Singh and Ganda Singh *Nihang* "in a foreign language." Some days later Ganda Singh tells the witness that accused has brought a message from Channan Singh, *re* assembling at the Jhar Sahib that night for a rising—which, however, is postponed. Accused, later, attends the Jhar Sahib gathering of November 26th; the Khairon mound assembly; takes part in the abortive attempt on Sarhali *Thana*, and goes on to the *zamindar* of Dhun. Cross-examined, the witness says that at the Amritsar Jail parade identification (5th October 1914), he said that accused had been at the Jhar Sahib and Khairon; but, according to the note made at the time, the witness then

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said that he "had not seen him at gatherings, but he was concerned," presumably concerned in the *ghadr* movement,—*vide* page 42 of our record. The witness denies that P. Ws. Dharm Singh and Ujagar Singh are his *chelas*.

Approver Kala Singh states that he has known accused since the *Ghadr* started. He says that accused attended *Ghadr* pamphlet recitals at the Jhar Sahib; and the gathering of November 26th. In cross-examination he says that when he used to know accused, accused wore a beard, trousers and black coat

Approver Nawab Khan, who tells us that accused sailed on the *Korea*, says that this accused and the notorious Nidhan Singh (L. C. C.), Piara Singh (L. C. C. and others disembarked at Shanghai to bring revolutionists; and that accused left San Francisco as one of the *Ghadr* party.

A "Sadhu Singh" is mentioned in the confessions of co-accused Kesar Singh and 49 Labh Singh. The former, who says that his original village is Sur Singh (the Magistrate has mistakenly written "Surat") states in his confession that Sadhu Singh and others came to him there and asked him to join in dacoities; and later asked him to come to a gathering at the Jhar Sahib. They threatened to kill him for refusing to go, reminding him that he had "come with them from China." The second co-accused mentions Sadhu Singh of Sur Singh as at the Khairon mound assembly.

Accused's statement before this Court appears at page 495; and a supplementary written statement at page 533. Denying all allegations against him, he denies knowing approver Nawab Khan, says he reached Calcutta some time prior to the date of the *Tosha Maru's* arrival; and gives as a reason for his return that his brother sent for him after an absence of six years, and that he had gone abroad soon after his marriage. He admits disembarking at Shanghai; says that his ticket took him no further; and that he had to realise some 300 dollars from one John Snowden there. He disembarked *alone;* and, later, reached Amritsar alone a day or two after *Dewali*. He did not know either accused Gujar Singh or "Dr" Mathra Singh. He says that he reached his village Sur Singh on October 20th, 1914; and was restricted and never left it. He says that he beat Natha Singh approver, in a quarrel over a *Mirasan;* and that Bhai Ganda Singh of Sur Singh got him implicated in an assault case (in which he was acquitted) at the instance of Natha Singh. Natha Singh admitted in cross-examination that Bhai Ganda Singh was his *bhai-band;* but denied knowing whether he had been put on security. Accused asserts that at the Amritsar Jail identification Natha Singh said that accused was "not in any gang" (this is incorrect what Natha Singh said was that he had not seen accused at any gatherings, but that he "was concerned"). In his statement before us, however, he implicated him in the Jhar Sahib and Khairon gatherings. Accused winds up his statement by recounting the services of his military relations.

In his written statement the accused further said that he had helped one Lachhman Singh against Natha Singh, who suspected a *liaison* between Lachhman Singh and his wife. This was denied by Natha Singh in cross-examination; but he added the ridiculous statement that he did not know his own wife's name.

Exh. D. 75, certified copies of a case under section 316, Indian Penal Code, has been put in to prove enmity between accused and the aforesaid Ganda Singh. It is a case of 1914.

The defence witnesses are D. Ws. 662 to 676 inclusive, and 698. The first of them asserts that during the days of the Jhar Sahib meetings, accused was all the time attending a *bhog* in Sur Singh This witness admits that he was a co-accused with this accused in Ganda Singh's assault case; and he supports the story that approver Natha Singh has turned out his wife, suspecting her of an intimacy with Lachhman Singh. He supports the story that Natha Singh has a *Mirasan* as mistress (a point made use of by several accused); but admittedly has very little information about her. The remainder of the first batch of witnesses generally corroborate these assertions; and some of them add that there are other "Sadhu Singhs" in the village, including another

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returned emigrant of that name, and that accused was in his village at *Massia*. D. W. 666 says that accused was recalled to India by his brother and mother-in-law. D. W. 670 tells of accused's relations' services. D. W. 673 (brother of accused) and D. W. 674 tell an unconvincing story about two men in plain clothes with whistles, who were suspected to be "policemen" coming to the village and taking away a photograph of this accused (the suggestion is that it was wanted to help the approvers to identify). Admittedly, no receipt was taken when the photograph was handed over; the story strikes us as overdone; and it probably originated out of the point urged about the photograph of another accused or from the mention of photographs by Natha Singh. D. W 676 the father-in-law of Natha Singh, approver, says that Natha Singh has turned out his wife (who is with the witness), and is keeping a *Mirasan*, and that a report has been made to the Police. D. W. 698 endeavours to support the story of the photograph; and supplies the names of the *Mirasan* and her father. However, he adds that she recently died in child-birth at Natha Singh's house. An attempt has also been made to show enmity of accused's uncle with Indar Singh (L. C. C.), *i.e.*, that accused and Indar Singh could not have associated together. We may say here that possibly there may be some truth in the story that at some time Natha Singh was mixed up with a *Mirasan;* but several accused have seized on this as a reason for personal enmity against themselves, and we have to consider what proof there may be of his enmity against the particular accused concerned.

After a careful consideration of the whole of Natha Singh's evidence against this accused along with the defence evidence, we are inclined to discount the value of this approver's statement, so far as this accused is concerned. Defence Counsel is wrong in arguing that approver Sundar Singh *thrice* failed to identify accused on Jail parades; he failed once, but identified him in Court though after a little thought. Approver Kala Singh gave his reasons for being unable to identify in Court (see back); and was not at any Jail parades. Counsel certainly makes a point in saying that accused's name is not in the Khairon note-book; and neither Sundar Singh nor Kala Singh mention him as being there, though Natha Singh does, and the confession of one co-accused mentions a "Sadhu Singh of Sur Singh" as having been at Khairon. The prosecution have had to admit that this accused did *not* arrive by the *Tosha Maru*, as they thought at first he did. Approver Bhagat Singh mistook this accused on Court parades for accused Uttam Singh; Umrao Singh could only say that he had seen him embarking on the "*Korea*;" and Nawab Khan's story leaves him disembarking at Shanghai. We have also to take into consideration that accused has been unable to produce the person "John Snowden" to support his story.

Counsel for the Crown has referred us to page 346 for a mention of a "Sadhu Singh" by approver Amar Singh, I, but we can find no such mention; and that approver failed to identify accused at all.

Taking all these matters into consideration, there remains doubt in our minds as to whether the prosecution have not got hold of the wrong man—who may possibly be some other Sadhu Singh, returned emigrant, of the same village, and we accordingly acquit him.

A. A. IRVINE,
President, Commission.

The 30th March 1916.

SHEO NARAIN,
Special Commissioner.

I dissent from the acquittal, but as my colleagues are in doubt it is unnecessary for me to record my reasons for considering the case established

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

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74. Sajjan Singh, son of Mohan Singh, of Narangwal, Police Station Dehlon, District Ludhiana, aged 16 :—

This accused, who pleaded "Not Guilty," to the charges framed against him (page 661), was a Ludhiana student. He was one of the accused in the Lahore Conspiracy Case, and was alleged to be absconding. He was arrested on 19th June 1915; and a large amount of evidence has been produced against him.

He was identified on Jail parades by approvers Wasawa Singh, Balwant Singh ("went with me to the Cavalry"), Anokh Singh, Udham Singh of Hans, Sucha Singh and Amar Singh I.

In Court by approver Wasawa Singh, Balwant Singh ("was told he was Sajjan Singh—went with me to the *Risala*"), Udham Singh of Hans, Anokh Singh, Mula Singh (as "possibly the student who came to me")—Amar Singh, I, Sucha Singh and (349) Jaimal Singh (student).

Approver Puran Singh did not identify accused either on Jail parades or in Court; and it is also necessary to note that accused, during the identification parades for Wasawa Singh, approver, managed to slip out of Court; but was brought in; and was at once named by that approver.

Approver Puran Singh states that shortly before the Police raid on the Lahore *Ghadr* house No 1 (which took place on the 19th February 1915) the approver Wasawa Singh told him that approver Balwant Singh had brought to the lines of the 23rd Cavalry in Lahore Cantontment "a boy of the *Ghadr* Party"—whose name the witness learnt later from Wasawa Singh was Sajjan Singh.

Approver Wasawa Singh states that Balwant Singh, two months after his (Balwant Singh's) enlistment in the regiment, brought the accused to the witness' quarters, introducing him as "a member of the *Ghadr* Party" who had come to visit Lance-Daffadar Lachhman Singh. The accused then talked of bombs and typewriters; said that a rising would soon take place, and that Indian troops were required, gave 10 copies of the *Ghadr Sandesa* for distribution, and stayed with the witness for the night. In the morning, the witness takes accused to Lachhman Singh. Later on, Lachhman Singh says that the accused is too young to be trusted. Cross-examined (page 132) the witness says that he had never seen accused till he came to the lines; and that only Balwant Singh was present when the revolutionary papers were made over.

Approver Balwant Singh tells us that on the 18th February 1915 (that is, the day prior to the Police raid in Lahor) he met at a Lahore *Ghadr* house this accused, and a "*pagriwala* Babu" (possibly Jumna Das of the L. C. C.), who gave the witness a few copies of the *Ghadr Sandesa* for distribution in the regiment. Approver Amar Singh, I, then sends accused with the witness to settle about the rising for the 19th with Lance-Daffadar Lachhman Singh— who, later, tells the witness that he has sent away accused after promising to join in the rising. A copy of the *hadr Sandesa* is afterwards found at the witness's quarters in the Lines; but a Sub-Inspector (who is unable to read it) is told that the paper has only to do with signalling. Cross-examined (page 141) this witness said that accused was not at the *Ghadr* house the first time he went there; and that accused told him that Amar Singh had sent him with the witness. It can, of course, be seen readily what a lack of cross examination there is of these approvers, and other witnesses also; yet we are to suppose that a regular plot has been concocted to get this youth into trouble.

Approver Udham Singh of Hans tells us that during the first week of January 1915 he met accused and approver Anokh Singh (students then at the Khalsa High School) in Ludhiana, whom he had known before. Accused told them he was acquainted with accused Uttam Singh who had been to a *Path* in his village; and, later, accused took the witness to the Islamia High School Boarding House, where they found approver Sucha Singh, Dr. Mathra Singh

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(absconder), Kartar Singh of Soraba (L.C.C) and others. There the accused tells Kartar Singh that the witness knows accused Uttam Singh; and that the witness, though he has been abroad, is ignorant of the outside world. He also tells the witness the names of those present, and that they are men of the *Ghadr* Party. Accused Uttam Singh later tells the witness that it was he himself who told this accused to enlist the witness in the *Ghadr* Party. On January 30th, 1915 (the day following the Jhaner dacoity), the witness visits accused and approver Anokh Singh; and tells them about the dacoity. In cross-examination the witness (pages 205, 206) says that he was not a special friend of accused; merely a fellow student. He did not mention him in the Lahore Conspiracy Case (accused was then alleged to be absconding); and intentionally in that case did not identify Kartar Singh of Soraba; whom he, however, identified in the condemned cells in connection with the present case. Accused never complained of him to a teacher; nor did the witness' brother break accused's lamp-chimney.

Approver Anokh Singh, also, has a long story about this accused, which runs as follows:—In 1914 he and the accused lived together when studying at the Khalsa High School at Ludhiana, and used to take their meals at the shop of one Kashi Ram. About the beginning of January 1915 Kirpal Singh, a student of the Islamia High School, showed the witness a copy of the *Ghadr-di-Gunj;* which the witness and accused read at home, became imbued with its pernicious doctrines, and commenced to absent themselves from school. Kirpal Singh then brings Nidhan Singh (the notorious revolutionist of the L. C. C.— who was also identified by the witness in the condemned cells), who fills the youths up with *ghadr* ideas; and, later, Nidhan Singh brings Jagat Singh (L. C. C.), Jawand Singh, absconder, and Ram Rakha (absconding in the Lahore Conspiracy Case), whom the witness and accused put up. Jagat Singh takes the witness and accused to the student approver Sucha Singh where they meet Kartar Singh of Soraba, who advises them to quit school and join the *Ghadr* Party. Next day, Jagat Singh and Jowand Singh put up with the witness and accused; who hear in the evening of the Sahnewal dacoity of the previous night (January 23rd, 1915). Next day, the witness, accused, Jagat Singh and Jowand Singh go to approver Sucha Singh's, and there meet Kartar Singh of Soraba and Dalip Singh (the approver who died of cholera during the Lahore Conspiracy Case, before he could give his evidence) and the witness and accused are detailed to show the road to Mansuran; and next morning Jagat Singh and Kirpal Singh tell them about that dacoity which took place on January 27th. The accused Jagat Singh and the witness then go to Sant Gulab Singh's *dharmsala* in Amritsar, the witness carrying Jagat Singh's pistol, where they meet Gurmukh Singh (L. C. C.) and sleep. Next day, Nidhan Singh gives the witness and accused Rs. 5 to return to Ludhiana; and in their presence tells Jagat Singh that he has been to Hoti Mardan and has met at Lahore Station the notorious revolutionist Parmanand of Jhansi (L. C. C.). Accused and the witness, after making over Jagat Singh's pistol, return to the school at Ludhiana; and, about the middle of February, Jagat Singh turns up, saying that he has been sent to fetch them, in case, being only youths, they may disclose *ghadr* movements. The witnes finds that accused has been already sent off; and goes with Jagat Singh to Amritsar, where he hears of the arrest of approver Mula Singh (which took place on February 13th). At the conclusion of his examination-in-chief the witness adds that, when he and accused were reading the *Ghadr di Gunj*, Nidhan Singh told them how approver Sucha Singh had stuck up seditious notices; and suggested their doing the same; and the witness says that, accordingly, he and accused copied out some lines and affixed them to the wall of the Khalsa High School.

We decline to believe that this detailed statement was concocted by some one, and taught to this witness; or that he invented it; but what does the cross-examination elicit (*vide* page 247)? Accused and the witness had adjoining rooms, with a verandah; he has never seen accused since Jagat Singh made him leave Ludhiana; he does not owe accused Rs. 15. That is all. In reply to a question by the court he denied that he had ever given his own name as "Sajjan Singh."

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P. W 312 (a teacher in the Khalsa High School, Ludhiana) states that accused was absent from the 2nd to the 5th February 1915, and from the afternoon of the 6th ; and his name was finally struck off on the 15th. Anokh Singh's name was struck off on the 17th. Cross-examined, he says that the 7th and 8th of February were holidays ; and that he never heard any complaints against accused.

Approver Mula Singh tells us that he met accused and Kharak Singh (the student sentenced in the Lahore Conspiracy Case) at the shop of "Doctor" Hardit Singh (L. C. C.) in Amritsar, who said they had come to meet Jagat Singh and the Anarkali murderer; and he sent them to Ludhiana to try and secure a house there. On the day of his arrest (February 13th) he saw this accused, and accused Prem Singh and others at the Amritsar house known as "*Musammat* Atri's house." Now, this was the day when Anokh Singh reached Amritsar with Jagat Singh; but Anokh Singh does not say that he saw Mula Singh there ; and says that he did not see the accused there. There is, of course no reason why he should have done so; but the point deserves mention because, had Anokh Singh been repeating a concocted story, nothing would have been simpler than to have taught him to say that on that day in Amritsar he had actually seen Mula Singh or accused, or both those persons.

Approver Amar Singh, I, tells us that about the 13th or 14th February he finds this accused at Gulab Singh's *dharmsala* with Nidhan Singh, Jagat Singh and Kharak Singh, student; and tells Nidhan Singh that the 21st has been fixed as the date for the rising On the 14th or 15th the witness, accused and others come in to the Lahore *Ghadr* House (No.) to consult Rash Behari. On the 16th or 17th, the accused and Parmanand of Jhansi are sent to Amritsar to bring in articles left there by Mula Singh prior to his arrest, and they return on the 17th with some bombs and a country-made revolver. The same day (approver Balwant Singh made the date the 18th) accused and Balwant Singh Sowar are sent to the 23rd Cavalry to see if people are ready ; and accused returns next day, saying the men are ready. On the morning of the 19th, accused is sent to Mian Mir to give notice of the change of date ; returns saying that the notice is too short; and by this means the Police spy, Kirpal Singh, becomes aware of the change of date. By this time the spy has fallen under suspicion ; and accused is put on to shadow him ; but, the spy abusing him, he returns and is sent out again to Mian Mir to make enquiries about the spy. In cross-examination the witness says that the bundle of *Ghadr Sandesa* was actually given to Balwant Singh to carry ; but that accused accompanied him ; and that, similarly, it was Parmanand of Jhansi who actually carried the loaded bombs and empty ink pots for bombs, etc., in a bundle from Amritsar.

Approver Sucha Singh states that he first met accused at Narangwal and that he, accused, Anokh Singh and the student Puran Singh (L. C. C.) were all students at the Ludhiana Khalsa High School. Prior to the Sahnewal dacoity a conference took place at his room, at which Kartar Singh (L C. C.), accused Bir Singh, the Anarkali murderer and others were present ; but the students were kept outside the room. A few days after the Mansuran dacoity, the accused came with Jaswant Singh, absconder (*alias* Jawand Singh), who had 2 letters from Kartar Singh for the witness and Dalip Singh (the deceased approver) to the effect that they were wanted "for responsible work;" and accused and Anokh Singh put up Jawand Singh for the night. On February 12th, Anokh Singh tells the witness that accused has left for Amritsar the night before and that he is going there (compare the statement of Anokh Singh).

In cross-examination this witness says that, when Anokh Singh and the accused came to his Boarding House, Jagat Singh, Jaswant Singh and Ram Rakha did not talk before them; and, when accused enquired where they had gone, the witness merely replied "where they had to go." He also denies that accused ever complained about him to the Headmaster of the School.

P. W. 349 (Jaimal Singh, student of the Islamia High School, Ludhiana) states that accused and Anokh Singh visited Kartar Singh of Soraba, who

taught them to make bombs. Puran Singh (student—L. C. C.) told the witness that approver Sucha Singh who also makes mention of duplicators) had left duplicators at Anokh Singh's and accused's; and the witness went and got a duplicator; and, later, he threw the duplicator into a well, and the duplicated copies into another; and subsequently pointed out to the Police the well where the duplicator, *Exh. P.* 162, was found. The actual person who made over the duplicator was some small boy — not the accused. The bundle of duplicated copies of the *Ghadr Sandesa* is *Exh. P* 164 (*vide* P. W. 294 as to the recovery from a well on 23rd February 1915).

Accused's statement made before us will be found at page 497; and his supplementary written statement at page 534. Denying all allegations against him, he says that he never absconded, but was at Chak No 530, Lyallpur, ill part of the time; and that, when he went off to his village, his name was removed from the school rolls. He says that approver Anokh Singh was a fellow-student at the Khalsa High School, Ludhiana, living in an adjoining room, and that approver Sucha Singh was at one time a fellow-student of his; and Puran Singh likewise. He asserts that he has never been to Amritsar nor to Lahore. [Questions 34 to 36 inclusive were inadvertently framed and the matters therein referred to do not concern this accused.]

The accused concludes his oral statement by saying that he reported against Sucha Singh for misbehaviour; and that another fellow-student, Kharak Singh (L. C. C., was also arrested by the Police. In his written statement (page 534) he repeats that he left Ludhiana for Chak 530 because he was ill, and had run short of money; and because plague had broken out in Ludhiana. He was then ill, and engaged in cultivating; and one day the Police called at his house when he was out getting opium; and next day he presented himself before the Lyallpur Police. Though his own village is Narangwal (the village of accused Randhir Singh), this is accused's story put forward to account for the difficulty experienced in finding him for some months—namely, that for five years his people have been living in the colony. It requires no intelligence to see at once that, had this story been true, information as to accused's whereabouts could have been readily obtained either from Narangwal, or from the authorities of his school. He suggests that as Kharak Singh, student, had been arrested at Lahore on the 19th February (he was one of those arrested in the Lahore *Ghadr* House No. I at the Mochi Gate; and was sentenced in the Lahore Conspiracy Case) and as Puran Singh, student, had been arrested in Ludhiana, the Police suspected the school; and, finding accused absent from his village, suspected him also. He ends this palpably false statement by throwing himself on the mercy of the Court and offering to go to the Front.

The Defence witnesses are D. Ws. 458 to 472 inclusive. It would really suffice to say that we do not believe a word of their evidence, which endeavours to bolster up accused's assertions. A sample of it is afforded by the statement of accused's brother D. W. 472, who says that accused's family has been living in Chak 530 for the last 15 or 16 years (accused's father has not been produced at all). The witness goes on to say that the family land in Narangwal is let out on contract; and that accused reached the Chak on "February 8th," and remained ill for a month. He did not say that he had come on leave; and was not treated for his fever by any *hakim*, as the family could not afford one Besides, there was no *hakim* in the village. His brothers (the other brothers have not been produced) took him to the *thana* on June 18th, two days after a Sub-Inspector had visited the Chak to find him. It was admitted by other witnesses that accused's father and brothers own no land in the Chak; and that it is an uncle's land that is cultivated by them. D. W. 466 states that on the day that the Thanadar came to the village, the accused was away getting opium for his uncle.

This kind of evidence is worse than useless.

We entirely agree with Counsel for the Crown that there is an overwhelming case against this accused; and he urges that accused's youth should not save him (accused gives his age as 16; but is, in our opinion, some-

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what older), and that his offences include the most serious one of tampering with troops.

Naturally, Counsel for the Defence could not make out a good case for his client. Even if we were able to accept the plausible suggestion that approver Amar Singh, I, (who was able to identify accused in Court) had not seen this acccused, but Anokh Singh, approver, in Amritsar (Counsel refers to a statement at the bottom of page 349), there would still remain all the rest of the Prosecution evidence against this accused. However, the statement of this approver at the bottom of page 350 shows that Amar Singh, I, knew this accused and approver Anokh Singh as two separate persons.

Counsel then asks why this accused should have been sent with Balwant Singh to the Lines, when Balwant Singh could have taken the news himself? The obvious answer is that someone was required to take news of the 23rd Cavalry back to the Lahore *Ghadr* House. It was urged that approver Mula Singh did not identify accused on Jail parade (though he did in Court—see back—and was not even cross-examined); and in the same breath it was argued that accused "was the only boy in his group" on Jail parade. It is urged that the meetings were held in Anokh Singh's room, which accused's happened to adjoin; and finally, we are asked to take into consideration the temptation held out to these youths, who did not "realize the gravity of what they were doing"; and it is urged that they were threatened with death if they made disclosures, that some of them were taken away from Ludhiana to prevent disclosures, and that they were "made use of to keep them busy."

Both in this case, and in the last case, we have always been ready to take the youth of an offender into consideration. However, in the present instance, we feel that the youth of this accused ought not to avail him much. He is, in our opinion, a thoroughly unrepentant young scoundrel; and a most dangerous individual, quite capable, given opportunities, of developing into another Kartar Singh of Soraba. He did what he did *con amore*; and the extent to which he was in the inner counsels of *Ghadr* leaders is obvious. Rash Behari and his lieutenants were shrewd enough judges of character; and we do not doubt that they knew well enough whom they might trust. With exception of the line in the written statement about "throwing himself on the mercy of the Court," this accused has shown not the smallest sign of contrition for his misdeeds; but has denied everything, and has tried to bolster up his denials with lies.

We are satisfied on the evidence accused was seduced while a student in Ludhiana, and became a most active revolutionist, seducing other students there and associating with the very worst of the revolutionists, abetting them in dacoity.

He became one of the most useful young lieutenants of Rash Behar Bose in Lahore; and was employed by him to tamper with troops, particularly with the 23rd Cavalry, among whom he disseminated seditious literature and whom he kept in touch with to rise on the 19th February.

It is sufficient for us to convict him under section 121 for abetting the waging of war, and section 131. Were he not a youth, we would have no hesitation in sentencing him to death, a sentence he richly deserves; but in view of his comparative youth, we sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown. No finding need be recorded on other charges.

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75. Samma Singh, son of Khushal Singh, of Padhana, Police Station Khalra, District Lahore, aged 35 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 663), was admittedly deported from Hong Kong. He apparently reached Calcutta by the *s.s. Nam Sang* on September 7th, 1915; and was there arrested (P. W. 346—Mr Slattery, C I. D.) He was arrested in connection with the present case on the 28th October 1915.

He was identified on Jail parade by approver Sundar Singh (W. G.); and in Court by that approver and P. W. 331.

Approver Sundar Singh (W. G.) states that accused, a watchman at Hong Kong, came to the notorious Dr. Mathra Singh at the end of July 1914 at Hong Kong *Gurdwara*, and took away a bundle of *Ghadr* papers, which he distributed to soldiers and watchmen. The witness never saw accused in the Punjab till he saw him in Jail. Cross-examined, he says that he first met accused at Hong Kong on the date of sailing. He did not go with him to distribute the literature. Accused told him that his house in Hong Kong had been searched without result.

P. W. 205 is a late Jemadar of the Hong Kong Police; who reported in Hong Kong *rumours* that accused distributed *Ghadr* literature and was visited by returned emigrants. Nothing was found on search of accused. The witness admits that he has no personal knowledge of accused's opinions; and admits that there were counter-complaints between himself and accused's nephew; and that he and accused were in opposite *gurdwara* factions.

P. W. 322 (a retired Subedar, Sardar Hakim Singh, of the Hong Kong Artillery) tells us that he was for 28 years in Hong Kong; and knew the accused, who for 10 years used to visit his relation Bulakha Singh of the Artillery. He used to see accused at the *gurdwara* till May-June 1914. He heard accused and others lecture; and reported to the Officer Commanding. A committee of Indian Officers was appointed to manage the *gurdwara*. Cross-examined, the witness denies having told the Superintendent of Police that accused's character was good; nor does he know that accused had a "party" in Hong Kong. The witness says that he gave no evidence to the Superintendent of Police at the time of accused's deportation.

P. W. 331 (a Subedar of the 25th Punjab Infantry) tells us about the *gurdwara* at Hong Kong; where the notorious Bhagwan Singh was *granthi* in 1912. He says that accused was in Bhagwan Singh's party; and came making enquiries about the *Komagata Maru* affair. He cannot say whether accused was one of those who came asking the *Gurdwara* Committee to take action against the deportation of accused Hira Singh of Charar (accused admitted in Court that he knew the witness). This witness noted down in his notes this accused as one of those in the Hong Kong *Ghadr* movement, but did not enter father's name or village; he, however, described him as a "dispensary watchman." (Indian Military Officers in Hong Kong at that time were, of course, reporting to their superior officers.) The witness admits that accused protested against Jemadar Lal Singh's abusing a woman in the *gurdwara*; but he heard of no case between them. He says that possibly accused, like other persons, may have accused Lal Singh of misappropriation. He never saw accused in the regimental lines, nor heard him speak against Government; but says "he heard of him as a zealous sympathizer with Bhagwan Singh" (the revolutionist who was afterwards deported from Canada).

The statement of this accused will be found at page 500; and a supplementary written statement at page 822. Accused denies the allegations against him; but can only suggest that approver Sundar Singh (W. G.) may *possibly* have had some quarrel with accused's nephew Kehr Singh when stationed in the same place. He admittedly used to visit his relation Bulakha Singh of the Hong Kong Artillery; but denies having belonged to the notorious Bhagwan Singh's *Ghadr* Party there. He says that when on the *Gurdwara*

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Committee there, he and others signed a plaint suing Jemadar Lal Singh (Prosecution witness) and others for *gurdwara* money—and that witness himself admitted there was some reason for ill-feeling. He says that he ceased going to the *gurdwara* during the time that Lal Singh's party were in power; and also because he and Bhagwan Singh had quarrelled. He asserts that it was Lal Singh's party which got him deported; and says that P W. Hakim Singh, Subadar, in those proceedings gave him a good character. He says that he has several relations in the army; that he volunteered as a special constable at Hong Kong; that a photograph of his was sent to India when he was deported, and that the approvers had an opportunity of seeing him at the jail entrance.

In his supplementary statement he again urges his complaints against Jemadar Lal Singh; and says that Lal Singh and Bhagwan Singh belonged to the same party, as did the other military Prosecution witnesses. He says that in Hong Kong he worked by day (he was a watchman) at the Watson Company, and by night at another place. He reiterates that it is Lal Singh who has wrongly implicated him in this case.

Exh. D. 43 are 3 certificates regarding accused's services; and D. 54 is part of the deportation file put in to show that P. W. Hakim Singh at that time did not wish to testify against this accused.

The Defence witnesses are D. Ws. 35, 36, 73, 502, 613 to 635 and 901.

The first 2 are only as to character; and so is the third, who also alleges Lal Singh's enmity This is supported by D. W. 502. All the foregoing were really witnesses called for other accused. All the remaining witnesses testify to accused's good character; to the trouble over his abusing a woman (which one of the Prosecution witnesses has admitted); to Lal Singh's and Bhagwan Singh's belonging to the same party, and to Lal Singh's being accused's enemy; to accused's dual employment in Hong Kong; and to one Bishan Singh (mentioned by accused in his statement) belonging to Lal Singh's party. The evidence of D. W. 620, Kehr Singh, nephew of accused does not impress us favourably, and appears to be concocted. Approver Sundar Singh was never cross-examined on the point.

Counsel for the Crown has urged that the deportation file only shows that the enquiry was a Police enquiry, concerning a silk merchant, etc.; and he suggests that P. W. Hakim Singh then said he knew nothing about accused because accused's relation Bulakha Singh was a brother officer in the Hong Kong Artillery.

We do not think it necessary to follow accused's Counsel (Mr. Bhatia) into his argument as to whether this accused served Messrs. Watson in the Chinese or dispensary department; but he has rightly pressed the witness Hakim Singh's statement in the deportation file, where he said that he had never heard of accused's being implicated in any serious movement; and that he might be the victim of enemies from other districts (apparently, referring to the *Malwa* and *Manjha* groups in Hong Kong). We must also remember Jemadar Lal Singh's admission about "opposite factions;" and we must bear in mind the curious statement of approver Sundar Singh (W. G.) to the effect that he first met accused at Hong Kong *on the date of sailing*, and that accused took a bundle of *Ghadrs* that day from Mathra Singh, and distributed them to soldiers and watchmen—admitting that he himself did not witness the distribution.

The statements of the military witnesses are none too convincing; and, whether or no accused's deportation was due to his enemies, we are not at all certain that he has not been wrongly implicated in the present case.

There is, at least that element of doubt in the case, which accused is entitled to, and we accordingly acquit him.

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77. Santa Singh, son of Chuhar Singh, of Nandpur Kalour, Patiala State, aged 24 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 665), was arrested on September 21st, 1915.

Accused was identified on Jail parade by Sundar Singh (A. M) ; and in Court by that approver, and P. Ws. 27 Indar Singh of Khanna, (39) *Mussammat* Nihal Kaur, and (40) Teja Singh of Samrala.

Sundar Singh (A. M.) says that accused, who attended the non-seditious meetings at Lohatbadi, Khanna and Chamkaur Sahib, was also present at the *Granth Sahib* recital at Ram Singh Reservist's house at Gujarwal. The witness at first omitted his name from the list ; and does not mention him as present at the *secret* meeting at Gujarwal. He, however, asserts that, later, accused Karm Singh told him that Randhir Singh had communicated the news of the proposed rising on February 19th (got at Dhandari from Kartar Singh of Soraba) to this accused to spread in his village. On the 19th February 1915, the witness meets accused at Khanna Station on the way to Ferozepore. In cross-examination (page 163) the witness states that accused and Mussammat Nihal Kaur actually travelled in his compartment of the train. At the Gujarwal ceremony, this accused and Randhir Singh sang *bhajans* to the harmonium, but the witness cannot say whether accused attends such affairs as a regular singer. He denies any quarrel with accused about a matter of giving *amrit* to the witness' son and grandson ; or that he ever invited accused to join the *ghadr*.

P. Ws. Indar Singh of Khanna and Teja Singh of Samrala both assert that accused attended the secret meeting at Dhandari. Indar Singh states that accused was sent from there to collect men from the *Bar*, as was the witness himself ; and adds that on his return he (the witness) learnt from his wife, *Mussammat* Nihal Kaur, that it was what this accused told her that led her to go to Ferozepore searching for her husband.

P. W. 39 *Mussammat* Nihal Kaur corroborates, and says that accused actually went with her to the reed jungle at Ferozepore ; and accompanied her home next day. The accused (she says in cross-examination) was dressed in black clothes. She did not know accused before the trip to Ferozepore ; and knows nothing about an alleged dispute between her connection Bishan Singh and accused about ornaments.

Teja Singh of Samrala says that after the secret meeting at Dhandari the accused brought accused Dharm Singh and Sawan Singh, absconder, to Khanna, where they were made Sikhs ; told the witness to remain with him until his wife's " sin " had been expiated (for details of this " sin " see page 215, bottom) ; and then took the witness off to the Ferozepore attack—the witness, however, managed to slip away home. This witness also corroborates that *Mussammat* Nihal Kaur left with them to seek her husband ; and says that accused afterwards met him at Majri and called him " worthless " for slipping away home. At page 216 the witness admits that accused is " somewhat of a singer, and is sometimes called to religious ceremonies. " The witness, Indar Singh of Khanna, this accused, accused Karm Singh and another were the " *Panj Piaras* " at approver Sundar Singh (A. M.)'s *amrit* ceremony for his son and grandson.

Accused's statement will be found at page 501, and a supplementary written statement at page 823. Accused, denying all allegations against him, denies that he attended any *Path* at Gujarwal, or at Dhandari, though Randhir Singh invited him to the latter. He never saw the witness *Mussammat* Nihal Kaur until the time of jail identification. During the time he is alleged to have been going to Ferozepore, etc., he was engaged himself in *bhogs* at other places named by him. He alleges a squabble with P. W. Teja Singh of Samrala over the abduction of accused 54 Mahindar Singh's sister ; and says that Karm Singh, accused, took him to Sundar Singh (A. M.) for a *bhog*, but that he fell out there with persons who wished to agitate about the " Rikabganj " *Gurdwara*. He says that a relation by marriage of P. W. Indar Singh of Khanna quarrelled with his brother about ornaments.

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In his supplementary statement (page 823) he says that he is in the habit of attending *Paths*, but does not take an interest in politics. Randhir Singh once met him at Nankana fair, and invited him to a *Path* (this appears to have a reference to *Exh. D.* 41, which will be mentioned hereafter). He always thought him a loyal and religious man; and says he "had very little acquaintance with him" (a curious statement in view of *Exh. D.* 41). He refers again to P. W. Indar Singh's alleged enmity.

Exhibit D. 41 is relied on by the defence, two letters without envelopes, alleged to have been sent to this accused (a comparative stranger) by accused Randhir Singh. They are dated the 20th January and the 20th February 1915, and purport to have been sent from Gujarwal and Nabha, respectively. They concern *bhog* ceremonies; and, besides helping this and other accused in respect of *alibis*, are obviously intended to rebut the prosecution dates for the Gujarwal and Dhandari meetings; and to make out *alibis* for Randhir Singh in respect of the Lohatbadi School meeting of the 19th January and the Ferozepore affair of the 19th February. However, we may say at once that the thing has been overdone. The letters contain fulsome expressions of loyalty towards Government; and a mass of unnecessary detail. They are not the sort of letters one would expect to find written to a comparative stranger; and we are not impressed with the evidence of defence witnesses with regard to them.

The defence witnesses are P. Ws. 290, 441, 590 to 604 inclusive and 890. The first of these merely says that accused attended a victory *bhog* in Nandpur, one of the places mentioned by accused (the witness was really for another accused). D. W. 441 of Majri (also a witness for another accused) says that he learnt that his brother had got up a *bhog* there. We remember, of course, that the Ferozepore raid incident took place on the 8th *Phagan* (19th February), so, in the next batch of witnesses, who testify to this accused's performing *bhogs*, we find evidence given that accused performed a *bhog* on the 9th *Phagan*. D. W. 595 Phola Singh of accused's village makes out that he found the 2 letters, *Exh. D.* 41, inside this accused's copy of the *Granth*, then in his possession. He found them when asked by accused's cousin, Lal Singh, to search for letters. Other witnesses make vague statements *re* the alleged quarrel about ornaments; the quarrel about P. W. Teja Singh of Samrala and accused Mohindar Singh's sister; and a squabble about "a *gurdwara*" at the house of Sundar Singh, approver. D. W. 891 (a witness for a co-accused) says that he attended a *Path* at this accused's house, and that accused 54 Mahindar Singh came to call.

In short, this defence evidence is utterly unconvincing.

Counsel for the defence has urged that approver Sundar Singh did not mention accused at the secret meeting at Gujarwal; but, as Counsel for the Crown has pointed out (page 158), he gave a list and said "one or two others." To account for want of an envelope with a postmark, Defence Counsel points out a remark in one of Randhir Singh's letter to the effect that the letter is being sent by hand, as the time is short. There is nothing else worth noticing in the remarks in argument of Counsel for the defence; and Counsel for the Crown has pointed out that this accused, knowing Indar Singh of Khanna, and Indar Singh being really a substitute for accused as a *ghadr* messenger to the *Bar* tract, there was nothing really extraordinary about his giving Indar Singh's wife (*Mussammat* Nihal Kaur) information or a message as to where her husband had gone. It is, of course, most noticeable that Indar Singh of Khanna was not cross-examined as to the alleged squabble about ornaments.

In short, we see no reason to doubt accused's part in these incidents.

It is just possible he was not in the secret meeting at Gujarwal, though present at Gujarwal at the time, but we have no doubt that he took part in the Ferozepore raid, and we accordingly find him guilty of waging war under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown; but as he is not a leading figure, we recommend him to mercy, and that the sentence of forfeiture be not enforced.

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78. Sarwan Singh, son of Mahna Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 48 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 667), returned from Shanghai *viâ* Hong Kong by the ss. *Nam Sang*, reaching Calcutta on October 13th, 1914. He was arrested on 19th July 1915.

He was identified on Jail parade by approvers Udham Singh of Hans and Bhagat Singh and P. W. 44. In Court by Udham Singh of Hans. Approver Anokh Singh did not identify him on Jail parade; and failed in Court, but described him to the Magistrate.

Approver Bhagat Singh states that accused entrained at Mullanpur Station on the evening of February 19th, 1915, and was at the reed jungle assembly. Cross-examined, he says that accused was released after arrest in the present case, and told him he had turned approver in a dacoity case. He "wished to save accused, so at first said nothing about him."

Approver Udham Singh, II (of Hans), corroborates *re* Mullanpur and the reed jungle; and says that on that day accused had agreed to join accused Udham Singh and others in the proposed rising. Accused was called to Dehlon *Thana* through *Zaildar* Hazara Singh.

Approver Anokh Singh states that, on 17th-18th February, Kartar Singh (L. C. C.) sent him from Ludhiana to Gujarwal to inform accused of the date for the rising; and the witness found accused Harnam Singh of Gujarwal with accused. On the night of the 19th accused arrives at Ferozepore with Randhir Singh's "party." Nothing of any value was elicited in cross-examination (page 247).

P. Ws. 43 (page 217) and 44 testify *re* the secret meeting at Gujarwal; and the former says accused was present at it. He, however, has had to admit that accused was an approver in a dacoity case in which the witness' father was a witness for the defence; and is not prepared to deny that his "distant collateral Nidhan Singh may have got 14 years in it." The witness says he has himself been twice convicted; but acquitted on appeal. He denies other allegations of enmity. We do not attach importance to this witness' statement, and possibly it may have been enmity which caused him to repeat this accused's name to P. W. 45 (Channan Singh of Soraba), who entered it in his note-book Ex. P. 65. We find that another name entered was that of one Sardara Singh, against whom P. W. 43 had admittedly once given evidence.

P. W. 49 (a *Zaildar*), cross-examined, says that he arrested accused in connection with a dacoity; and that 2 men hanged in the dacoity case were not related to P. W. 43, but were related to Nidhan Singh. He says that accused was released at Ludhiana over the present case. He cannot say whether his brother gave evidence against accused under the Arms Act.

Accused's statement will be found at page 502. He says that he had been abroad some 8 years, and had returned for his daughter's marriage. He says that he has done none of the things alleged against him; and that he has relations at the front. He asserts that he has been dragged into this case because some years ago he turned approver in a case in which P. W. Channan Singh's uncle was convicted, and Jagat Singh's nephew Sardara Singh was also convicted—which also made him generally unpopular with the Gujarwal villagers. P. W. 43 Channan Singh made a half-admission of this; and P. W. 45 Channan Singh of Soraba admitted that one of the names given him by P. W. 43 to be entered in his note-book was that of Sardara Singh. We do not propose to place any reliance on the statement of P. W. 43, and we do not consider the statement of the Zaildar P. W. 49 in cross-examination very satisfactory.

Exh. D 30 is relied on to prove the convictions of Sardara and Nidhan Singh, one Sewa Singh being hanged; and it is made out therefrom that accused Jagat Singh and this accused could never have associated.

Exh. D. 31 are money draft receipts for money sent from America intended to prove that accused returned to India for his daughter's marriage.

Exh. D. 32 is accused's *bahi* to prove his *alibi* on February 19th, but the entry is of the 20th.

Exh. D. 33 is a judicial record to prove enmity with D. W. Channan Singh of Gujarwal, and Exh. D. 34 is a duplicate receipt of accused's subscription to the War Relief Fund (put in to show his loyalty).

The defence witnesses are D. Ws. 148, 373, 390, 394, 406 to 429 inclusive and 915. The first is a *Lambardar*, who says accused made an offer to go to the front. The next says he was in Ludhiana *kavilat* for 2 days in June. The next 2 included the aforesaid Sardara Singh—but, as we have said, we are not relying on the evidence of P. W. 43 Channan Singh. The next batch of witnesses include persons testifying to Channan Singh's enmity, and persons who assert that accused never left his village after restriction. D. Ws. 406 (accused's brother) and 421 and 423 give evidence about his loyalty and his return for the marriage, which was to have taken place on a date some 5 days after his arrest. The brother produces the *bahi* D. 31—fourteen receipts. D. Ws. 407 to 410 and 417 give unconvincing evidence *re* the *bahi* entry and a loan (the *bahi* being written up by D. W. 407). D. Ws. 412 to 416 inclusive, give unconvincing evidence about accused's being engaged in building a house, and irrigating his land on *Basant Panchmi* day January 20th, the defence date for the Gujarwal ceremony). D. Ws. 417 and 429 say they were serving together with accused in Uganda—and the latter says that he saw accused at his house on the *evening* of the 19th of a month last year; but he cannot remember the month, and recollects the date because he happened to get a letter from his regiment. D. W. 915 knew accused in Canada, and testifies to accused's selling as much as possible of his property in order to come home for the marriage. We have also references to P. W. 44 Baggu's being a friend of Channan Singh.

However, while we consider it might be unsafe to rely on the evidence of the local witnesses, there remains the evidence of approvers Bhagat Singh, Udham Singh of Hans and Anokh Singh. The third did not identify accused at all; Bhagat Singh identified him on jail parade, but failed in Court; and Udham Singh of Hans identified accused both on Jail parade and in Court. There appears no good reason why these approvers should have desired falsely to implicate accused; and the defence evidence was obviously overdone in a frantic attempt to prove *alibis* on inconvenient dates: but still, the fact remains that identifications were not satisfactory as a whole; part of the prosecution evidence is rather doubtful; and it is certainly possible that this accused, by turning approver himself, may have incurred the enmity of co-villagers. We consider that he should have the benefit of the doubt, and accordingly acquit him.

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80. Sham Singh, son of Bhola Singh, of Dhudhike, Police Station Moga, District Ferozepere, age 40 :—

This accused, who pleaded " Not Guilty " to the charges framed against him (page 668), is not a returned emigrant. He was arrested on the 30th September 1915.

A statement made by this accused was recorded by a magistrate on October 1st, 1915; and we shall also have to consider in connection with him the confessions of certain co-accused.

He was identified on Jail parade by approvers Bachan Singh, Arjan Singh, and Nand Singh (who saw him at Chuhar Chak and Dhudike); and by the same approvers in court.

Approver Bachan Singh states that, when accused Ishar Singh was anxious to escape to some Native State, Ishar Singh's father said he would borrow Rs. 60 from this accused, and send the amount through accused 63 Pala Singh. Accused himself was present at this talk in Kirwala cemetery. The witness denies (page 193) any squabble about produce.

Approver Arjan Singh says that accused was present at the Daudhar meeting of June 2nd, 1915 (*re* the looting of Kapurthala magazine on the 5th). Cross-examined (page 201) the witness denies that accused kept cotton-seed for sale with his father, who died in 1911. He does not know whether accused has a sister-in-law, Harnamo. He learnt accused's name after arrest; but knew him before by appearance.

Approver Nand Singh says that, after his statement to a magistrate, he identified accused at Ludhiana Jail parade as present at the Dhaudar assembly on June 2nd. He did not mention accused's name to the Police.

P. W. 77 merely says that accused was one of accused Phera Singh's visitors. Accused got a decree against the witness' " distant relation " Sundar Singh.

The two co-accused Pakhar Singh and 64 Pala Singh have mentioned this accused in their confessions in connection with the Dhangyan-Daudhar meetings; but, like the approvers, they do not attempt to involve him in a visit to Kapurthala.

Accused's statement to a magistrate (which can be considered against himself only) will be found at page 503. It is exculpatory, of course, but mentions accused's presence at the Daudhar assembly; and it relates that he heard from Pakhar Singh about what was to be done, and regarding Kapurthala. It concludes with a mention of the incident of lending money to accused Ishar Singh, about which approver Bachan Singh has told us.

Accused's statement before this court also appears at page 503. The accused foolishly denies having made any previous statement; and says that he is deaf, and that something was read out by the magistrate's reader. He denies all allegations; says that he was ill-treated by the Police; and says that " probably " he has been implicated by " Nainoo " of his village (of whom we have heard from other accused), because he refused to give Nainoo, who used to wrestle, some *ghi*.

Exh. D. 21 is a judicial copy put in to prove enmity between accused and some relations of Bachan Singh (collateral of accused Mahindar Singh of Dhudike, whose father gave evidence against this accused) and co-accused Pakhar Singh; but, as we have said before, there is no reason why a certain amount of ill-feeling between two persons should prevent either of them joining a common assembly for what was considered a public purpose.

The D. Ws. are D. Ws. 264 to 277 inclusive, 279, 352, 358, 359, 360. The first batch speak as to character and the enmity of Bachan Singh and " Nainoo; " and as to faction enmity. D. W. 256 alleges a quarrel between accused and approver Arjan Singh, about which accused himself had said

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nothing. D. W. 269 tells us that accused got cholera ; and D. Ws. 272 and 273 that he had chicken-pox. D. W. 279 *heard* of a quarrel with Arjan Singh. D. W. 352 says accused had chicken-pox in *Jeth* which affected his sight and hearing. This is supported by D. W. 360 ; and the remaining two witnesses testifying to " Nainoo's " enmity.

Accused's counsel has urged that Bachan Singh does not mention this accused as one of those who visited Pakhar Singh's well—this does not look much like enmity. He suggests that that approver and the 2 co-accused mentioned this accused because they thought he had given them away. It is argued that approver Nand Singh did not mention this accused to the magistrate—but he did say then that there were 2 or 3 other Dhudike men, and he identified accused on Jail parade after making that statement. We are not impressed with the evidence as to accused's illness ; and, whilst it is urged that approver Arjan Singh was mixed up in a quarrel between *pattis* over water, the accused said nothing about this, and that approver was cross-examined about a quarrel over cotton-seed. Finally, it is urged that accused, at any rate, never got so far as going to Kapurthala.

We are satisfied that this accused took part in seditious propaganda in Dhudike, being a member of the revolutionary party there, and attended the culvert meeting which arranged the Kapurthala raid.

Though probably technically guilty of abetting the waging of war, we prefer to deal with him under the minor section 121 A, and convict him of conspiracy to wage war and sentence him to three years' rigorous imprisonment.

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81. Sher Singh, son of Lehna Singh, of Thikriwala, Police Station Kahnowan, District Gurdaspur, aged 36 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 670), returned to India from Hong Kong by the ss. *Kum Sang*; and reached Calcutta on November 12th, 1914.

According to the prosecution, he was one of a Thikriwala group of returned emigrants, who was discovered too late for the Lahore Conspiracy Case. He is at present serving a sentence of 7 years' imprisonment under the Arms Act.

He was identified in court by P W 212 (a Circle Inspector); and most of the other prosecution witnesses are of accused's own village.

P. W. 205 (late Jamadar of the Hong Kong Police) has nothing to say against accused—who, he says, was under him at Hong Kong, and came on leave to India in October 1914 on getting a letter *re* a marriage. He was a good Sepoy—Interpreter.

P. W. 212 is Circle Inspector, Gurdaspur, who states that on April 2nd, 1915, he learnt that accused's house had been searched on March 30th, 1915, under the Excise Act; and that a paper had then been found there *re* a gang to assemble at Batala in order to loot the tahsil. On April 4th a Sub-Inspector (whose conduct (we are told) is open to the gravest suspicion in this matter) produced this accused, along with a pistol and cartridges—but no papers. The same day, Mr. Howell (Director of Fisheries) motored the witness out to search accused's premises; and a locked box containing ornaments and wedding garments was found, a copy of extracts from the *Ghadr* newspaper, and *Gurmukhi* papers. (*Vide* the *series Exh. P* 106—*Gurmukhi* extracts from the *Ghadr*, verses, letters, postcard). The *fard baramdagi* is *Exh. P.* 106 *A*.

Several of the documents in this series appear to contain nothing of any importance; but P. 106 D (purporting to be a brief history of the last Mutiny) is most obviously seditious. *Exh. P.* 106 *J.* contains a brief reference to the deportation of the co-accused, Hira Singh of Charar. "M" of the series merely mentions the writer's feeling that the recipient's ideas are for "the amelioration of India's conditions;" "Y" of the series again mentions Hira Singh of Charar; says that the writer has destroyed, and thrown away the bits of the photograph of himself and Hira Singh; and says that the charge against Hira Singh was that he subscribed to the *Ghadr*.

The witness states that the Sub-Inspector who found the incriminating document during the excise search made out that it had been lost; and it is not now forthcoming. Accused is, of course, serving his sentence under the Arms Act in respect of the pistol, etc.

In cross-examination, the witness has stated that accused himself, Mr. Howell and others were present at the search; that he left the English and Urdu documents which were not suspicious; and took away all *Gurmukhi* papers, because he could not read them, which have all been produced. They were signed on the spot; and the witness kept them in his charge till a month later. He saw no letter from the Deputy Co missioner of Gurdaspur to Hong Kong. The *fard* of the search of March 30th, 1915 (excise search) is on the Arms Act record. *Zaildar* Hari Singh, he says, did not visit him on April 2nd, 1915. Accused did not ask him to search the house of Jhanda Singh; nor did he search that of Bir Singh nor hear that accused had abducted Bir Singh's wife.

Recalled, the witness stated that the Gurdaspur Police made enquiries through the Criminal Investigation Department from Hong Kong as to whether any revolver was missing; giving particulars of the one found in accused's house; and the reply is *Exh. P* 106—as a result of which the revolver was returned to the Hong Kong Police. The witness, again cross-examined, denied knowing that one Nand Singh, relative of Bir Singh, had been employed in the same place as this accused. Now, the important point about the

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discovery of the aforesaid documents is that they were only found as the result of a search following on the result of a search under the Excise Act.

P. Ws. 213 to 219 inclusive belong mostly to accused's village Thikriwala, the last of whom is Jhanda Singh. Jhanda Singh tells us that he returned from China some 15 years ago; while the accused returned to the village in November 1914, and 2 other men, Atma Singh and Lal Singh in December 1914. They brought pistols, and used to read out the *Ghadr* paper to villages, and at the witness' house. The approver Mula Singh wrote to Bir Singh (mentioned by P. W. 213 as a returned emigrant, and an associate of Atma Singh, etc.) to send the pistols to Tarn Taran; and the accused and Bir Singh and Atma Singh went to the *Masya* there. The witness says that they used to discuss dacoities; but that this accused did not take part in 2 dacoities, in respect of which the witness turned approver, and Bir Singh and others were sentenced to long terms of imprisonment. He adds that the letter referred to above was brought by Harnam Singh of Sialkot (L. C. C.); and that in it the pistols were called *nushkas*, *i.e.*, recipes. Cross-examined, the witness states that his nephew and accused have had a land transaction; but that he did not object, and never sued his nephew; nor knows that his nephew put in a petition against him. He denies that accused bolted off to China; and says that Bir Singh's wife went there to join her husband. He admits that he gave information in liquor-cases against two persons, one of whom was not *chalaned* and one was acquitted (the question was put merely to shake the witness' credit). He admits that Atma Singh, Bir Singh, etc., accused him of having put pistols in their houses. He denies other allegations of quarrels with accused and his brothers; and denies that *Zaildar* Hari Singh is his friend. This witness is, of course, anything but a respectable person himself; but there are several witnesses (mentioned by numbers above) who corroborate him. These deny any enmity with accused. One admits that Bir Singh and the witness Jhanda Singh are cousins; and P. W. 218 (who made ornaments for accused's wedding) says that he has been paid in full. Jhanda Singh himself admitted that accused had married after his return.

P. W. 351 (Sub-Inspector, C. I. D.) proves translations into Urdu of various documents of the series *Exh. P.* 106.

Accused's statement before this court will be found at page 505, and a supplementary written statement at page 561. As regards his return to India, he tells us that he was sent back by the Hong Kong Police at the request of the Deputy Commissioner of Gurdaspur; and he admits that Bir Singh, Atma Singh and Lal Singh returned from abroad in December 1914. He denies the allegations against him; including the allegation of having brought back pistols; and asserts that he could not have read the *Ghadr* at the house of Jhanda Singh and Bir Singh, because they are his enemies, and because it was in dread of their enmity that he went abroad in 1903. He admits that his house was searched under the Excise Act on March 30th, 1915; but knows of no paper found then, and denies that any pistol or cartridges were found, saying that he was wrongly convicted of an offence under the Arms Act. As regards the search of April 4th, 1915, he admits the finding of, and claims ownership of the following documents of the *Exh. P.* 106 series:—

Exh. P. 106—X, H, K, N, Q, T, W.

(We refer to translations of these in our remarks later on.)

He makes denial as regards *Exh. P.* 106 *B*. He admits having received *Exh. P.* 106 *E*, found on April 9th, 1915, on the search of one Partap Singh; and says that Partap Singh returned from abroad in 1910, promising to find a match for accused. Accused came on leave in 1911; and found that no match had been arranged. He brought a necklace from Partap Singh. As regards the prosecution witnesses, he alleges a quarrel with P. W. 212 Sohan Lal; and that P. W. 218 Gokal has his house in Jhanda Singh (P. W. 219)'s *deorhi*,

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and that a balance is still owing on account of ornaments. He says that P. W. 14 Karm Chand is related to Sohan Lal; and that he (accused) got his distant collateral Mangal Singh to leave Karam Chand's service. He says it was *zaildar* Hari Singh who got Haku (P. W. 215) to give evidence; that P. W. 217 Sawan Singh was found in possession of illicit liquor, but was not prosecuted, and that his (accused's) brother once gave evidence against Tahl Singh, nephew of Sawan Singh.

It is, of course, noticeable that in accused's oral statement there was only a brief general allegation of enmity on the part of Jhanda Singh and Bir Singh. The supplementary statement, which covers nearly 3 pages of print, commences at page 561; a *précis* of which is as follows: —

The accused started an illicit intimacy with the wife of Bir Singh (who is now serving a lengthy term of imprisonment for dacoities; and in July 1903, Jhanda Singh (P. W.) and others got to know of this, and accused's brother was beaten; but no complaint of this was made, lest the fact of the intimacy should come out. In December 1903, the accused fled to Hong Kong; and in May or June 1904 Bir Singh's wife came out to him there. He was unaware that her husband was at Shanghai; but he refused to keep her, and sent her to her husband. Jhanda Singh wrote out to Bir Singh that accused had managed to escape their vengeance; by which time the woman had reached her husband, who said he had been disgraced. Later, however, Bir Singh wrote in a conciliatory tone, suggesting that accused should accompany him back to India; and accused agreed, although knowing, "what was behind" the suggestion. However, after meeting Bir Singh and his brother in Hong Kong, accused declined to accompany them, and did not take his leave till 1911 (after their leave had expired). We are not told that during that period of leave, Jhanda Singh sought to wreak his vengeance. Accused returned to India on the last occasion on the strength of a letter from a Deputy Commissioner *re* his marriage; was searched many times before reaching his home; and the Police officials even offered to attend his marriage. He reported his return on December 20th, 1914 (more than a month after his return); and on February 4th, 1915, was assaulted by Jhanda Singh; but brought no complaint, as he expected to be returning to Hong Kong "shortly" (On this point we may add the comment that *Exh. D.* 67 shows that this accused had leave from Hong Kong from October 24th, 1914, to April 24th, 1915.) He was asked by Bir Singh when his leave was to expire; and Jhanda Singh told him—"Be on the alert. We will certainly revenge ourselves upon you." This statement goes on to say that, in the course of the second search, the police were instigated to "do away with" certain letters, etc., from Bir Singh, Jhanda Singh and Hari Singh *zaildar* to accused. It is alleged that Jhanda Singh has encroached on accused's boundary, and damaged crops. Accused alleges Police ill-treatment; says he never even heard of the *Ghadr* newspaper; that his marriage was duly celebrated (this is admitted by the prosecution); and winds up with his main allegation of Bir Singh's enmity about his wife.

As regards the above, we may say at once that, while we quite agree that P. W. Jhanda Singh is himself a scoundrel (who turned approver in the dacoity cases), we are in no way convinced by accused's statements that Jhanda Singh and Bir Singh were accused's enemies; and we see no reason to doubt that Bir Singh's wife went out to join her husband in the ordinary course.

The Defence *Exh. D.* 67 (Leave-Pass), we have already referred to. *Exh. D.* 63 consists of 3 Judicial records *re* the dacoities in respect of which Bir Singh, etc., were convicted. Accused was not mentioned in those cases as having taken part in those dacoities; but there is a mention by (approver) Jhanda Singh that the dacoities were political, and that seditious *parchas* had been read out.

The defence in the Arms Act case was, no doubt, that Bir Singh and Jhanda Singh had got this accused into trouble. We have no records showing cases between Jhanda Singh and accused.

The Defence witnesses are D. Ws. 73, 568 to 572 inclusive, 618, 1032 and 1033. The first of them is really a Hong Kong witness for accused Hira Singh of Charar (a noticeable point), who says he heard nothing against the present accused, who returned to India after him. D. W. 568, a Sub-Inspector of Police, says that no report was made to him that the *Ghadr* was being read in accused's village Thikriwala, a statement which is of no value. D. W. 572, a *patwari*, simply states that certain mortgaged land has not yet been redeemed. D. Ws. 570 and 571 (brother and brother-in-law of accused) support the allegations of enmity; but their evidence rather discounts the evidence as to the ill-feeling about mortgaged land.

D. W. 569 (a *lambardar* of accused's village Thikriwala) very naturally denies that there were any *Ghadr* recitals in the village; and he denies that a copy was found in accused's house. He says that accused's marriage took place on February 18th, 1915 (the fact of marriage is not contested); and he supports the allegations of enmity against prosecution witnesses. However, in cross-examination he was obliged to admit that Sohan Lal had accused Jhanda Singh of placing liquor in his house; and having previously stated that Bir Singh (cousin of Jhanda Singh's wife) went to *Hong Kong*, had to admit that she went to her own husband in Shanghai, and that no report was ever made about any abduction.

D. W. 618 (a witness for co-accused Samma Singh) stated that accused came on 6 months' leave—which we do not doubt. D. Ws. 1032 and 1033 are *lambardars* of different villages. The first alleges Jhanda Singh's enmity; and the second, who was himself in the Hong Kong Police, says that he returned with accused, who bore an excellent character, and that there was no sedition on the ship. He, however, adds that he *heard* 8 or 9 years ago of a woman's coming to accused *on her way to Shanghai*. This concludes the defence evidence, which certainly does not impress us.

As regards the prosecution *exhibits* of the 106 series, we have no desire to in any way press them unduly against this accused; but we must add a few remarks to what has been said already.

Exh. P. 106 *D.* is obviously seditious in tone throughout; and certain remarks in *Exh. J. M. S., V* and *Y* (translations) are certainly *peculiar*—such as the remarks about "the amelioration of India's condition;" "a Jullundur Conference where accused will see the state of the country;" its having been heard that "Hong Kong will be given to Japan;" references to "if the British Rule ends;" and references to the deportation of accused Hira Singh of Charar—and so on. The accused does not, of course, admit that the Gurmukhi extracts from the *Ghadr* were found in his house; but it is entered in the *fard baramdagi Exh. P.* 106 *A.* That *fard*, we notice, was not actually signed by Mr. Howell, though a place was left for his signature with his name in vernacular, but we have evidence that he motored out to the search, and was present at it.

The accused himself did not deny that he had been at the Tarn Taran *Amawas* fair, though he denied having seen Bir Singh and Atma Singh at it; and Counsel for the Crown, in arguments, has referred us (in connection with P. W. Jhanda Singh's statement *re* pistols) to Mula Singh approver's statement at the foot of page 334, where he stated that at the *Amawas* fair at Tarn Taran he met Atma Singh and Vir (Bir) Singh with a third man whom he could not identify; and his statement continued to the effect that 5 or 6 days after the *Amawas* he wrote to Bir Singh asking for pistols, having seen one with him on board the ship. He added that they "were anxious to join in revolution, if called." This statement is the more important because Mula Singh has obviously not been tutored to identify this accused; and Counsel for the Crown points out that Bir Singh and Atma Singh returned to India with Mula Singh; and urges that this accused like Mula Singh was not himself in any dacoity though Mula Singh planned one.

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Counsel for the defence has argued on the various alleged enmities of prosecution witnesses; but we are not impressed by the argument. We certainly cannot agree with him that the *Ghadr* extracts (which we believe to have been found in accused's house) are not seditious; and we are not prepared to agree with him that Jhanda Singh's statement in the dacoity cases was the basis for starting the present case against accused. It appears to have started from the discovery made during the excise search; coupled with Jhanda Singh's statement. As regards the *Ghadr* extracts (*Exh.* . 106 *B* — *D* of that series is the translation), it bears in pencil the signature of P. W. 212 and the note that it was found in a locked box; and we are not prepared to accept Counsel's suggestion that it was put where it is said to have been found simply out of Police jealousy, to discredit the first Sub-Inspector (a Sikh). The erring Sub-Inspector, by the way, was summoned as a defence witness; but was given up. We are quite prepared to accept Counsel's contention that his client returned to be married, and was expecting to return to Hong Kong; but that would not alter the fact that, whilst in India, he took part in revolutionary work.

As it is not proved that he was closely associated with any revolutionists other than the Thikriwala group, or did anything apart from that group, or joined in any of the depredations of that group, we are not satisfied that the offence of accused has gone beyond conspiracy and sedition.

We convict him under sections 121 A and 124 A, but taking into consideration that the accused has been sentenced to 7 years' rigorous imprisonment in the Arms Act case, we sentence him to 1 year's rigorous imprisonment to run after the sentence he is now serving has expired.

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82. Sucha Singh, son of Gurdit Singh, of Chola Kalan, Police Station Sirhali, District Amritsar, aged 30 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 672), is another of the 23rd Cavalry deserters—and is at present serving a 5 years' sentence awarded by Court Martial.

We shall have later to consider in connection with him the confession of accused Bogh Singh.

He was identified in Court by Sundar Singh (W. G.), Kala Singh—and several other witnesses who, of course, belonged to the same regiment.

Approver Sundar Singh (W. G.) states that accused met him and accused Wasakha Singh (for whom accused had been searching) at one Mohain Singh's *haveli* at Chola ; asked why the date for a rising was being postponed, and urged that it should be expedited, as the 23rd Cavalry would join, but drafts from that regiment were already being sent to France. Accused Wasakha Singh then told this accused that the date fixed was the 26th November, and that he should come and get a copy of the *Ghadr-di-Gunj* to read to the regiment. Accused then said he would go and inform his comrades, and turn up at the Jhar Sahib on the 26th.

Approver Kala Singh states that accused is one of the 4 *sowars* with swords whom he met after the abortive Jhar Sahib meeting of November 26th ; and the witness told them to go to Tarn Taran. A few days later, the witness sees accused and 2 other *sowars* going towards Bhure from the direction of the Jhar Sahib ; and sends a message that they should meet him at the Jhar Sahib. Accused is fetched to the Jhar Sahib by accused Bogh Singh from the house of witness' nephew. The witness asserts that next morning he suggested to accused and the other *sowars* that they should return to their regiment ; but they refused, saying that they were "determined to kill or die."

Cross-examined (page 111) the witness admits that he only learnt accused's name when accused mentioned it to the Government Advocate.

Approver Mul Singh *Granthi* (of the same regiment) says that, about the *Dewali*, accused told him that the Amritsar Deputy Commissioner was warning people against emigrants ; but accused said nothing about *Ghadr*. Later, the witness learnt from Budh Singh, *sowar*, that accused had deserted to join a rebellion at the Jhar Sahib ; started to fetch him back ; and learnt of his arrest from accused Bogh Singh.

Approver Ganda Singh tells us that the accused spoke at a meeting at the cemetery about a proposal to raid Lahore ; and sent the witness to get information from accused Sundar Singh of Chola Khurd. Accused goes on leave, and returns with the information that November 15th has been fixed for a rising, and that a large number of men will assemble in the Lahore Cantonment *Rakhs*. Accused is present a few days later at a gathering at Lance-Daffadar Lachman Singh's quarters ; when accused Prem Singh is present, who says that *Ghadr* men will arrive at the station that night and is given the Cavalry sword, *Exh. P.* 18 *C*. Accused is again present at a meeting at the Rifle Range when Lachman Singh gives out that the date for a rising is November 23rd ; and accused again goes on leave, returns a day or two before its expiry, and says that the 27th has been fixed for assembling at the Jhar Sahib and raiding Tarn Taran Tahsil. Accused tells the witness that he intends going to the Jhar Sahib with accused Maharaj Singh and other *sowars ;* and finally, deserts with them in spite of the witness' dissuasions.

Approver Wasawa Singh simply states that *sowar* Budh Singh told him of accused's going on leave, and returning with the date for a rising. What is, of course, most noticeable is, that there was practically no cross-examination on behalf of accused of any one of the approvers ; and not even of the witness P. W. 21 Surain Singh, who has a long story about accused.

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Surain Singh's statement runs as follows:—The accused, a reservist who had to rejoin his regiment on the outbreak of the present War, went on ten days' leave; and the witness learnt from *sowar* Indar Singh of the same regiment that, whilst on leave, the accused had met the co-accused Wasakha Singh and Sundar Singh discharged), who had told him that a number of men were returning from America for a mutiny. This was subsequently confirmed by the accused himself, who invited the witness to Lance-Daffadar Lachman Singh's quarters, where he also told those present that the revolutionists had guns and bombs, and could make bombs; that there were parties to blow up bridges and destroy railway and telegraph lines; and that there would be an assembly in the *Rakh* near cantonments on November 15th for the purpose of attacking Lahore and the Fort. Next day, at an assembly at the cemetery, accused repeats his story; and says that the *Ghadr* party wish to know the geography of Lahore Fort. After another meeting at the cemetery, accused again goes on leave; and returns saying that the date has been altered from the 15th to the 17th. This witness corroborates *re* the giving of the sword, *Ex. P.* 18 *C* to accused Prem Singh; and says that the accused was detailed to go to the station to meet the men expected. A few days later, at the Rifle Range, accused agrees to collect information regarding the change of date to the 23rd, and the plan of attack; and goes on 6 days' leave preparatory to proceeding on active service. He returns 2 days before the expiry of that leave (compare Ganda Singh, approver); tells the witness that he has learnt from his previous informants that the date has been finally fixed for the 27th; and repeats this to others at the cemetery. On November 26th, a discussion takes place at the cemetery whether to go to the Jhar Sahib mounted or on foot; and on the same day accused makes over the witness' kit to the charge of Kalu (P. W. 122). Accused deserts on the 27th November; and during the 28th, along with the witness, Channan Singh and accused Maharaj Singh meets Kala Sigh, approver, at Bhure; and the party feed at a well. Kala Singh tells them of the Khairon meeting and the intended attack on Sarhali Thana and Tarn Taran Treasury; but they find nothing happening at either of those places. On the 29th, they meet accused Wasakha Singh at Dader; and the witness and accused Maharaj Singh spend the night at accused's house. On the 30th they go to the Jhar Sahib, where they find nothing happening; but are called by accused Bogh Singh's servant Jora Singh, and accused sends the witness to ascertain what is wanted. On December 1st the accused and his companions are called to the Jhar Sahib by Bogh Singh himself, where it is decided to consult Saddu, *Pahlwan*, who has a following, but the witness leaves with accused Maharaj Singh on account of news about the Police; and is arrested by Head-Constables Hakim Singh and Bhai Kalu Singh. We can see no reason why this witness should have concocted this story against a man of his own regiment; and he was not cross-examined.

P. W. Kalu (tum-tum driver of Lahore Cantonment) corroborates as to accused's depositing kit with him, saying that he was going on leave. This kit the witness afterwards made over to P. W. 141 (Risaldar Chaughat Singh); and the Risaldar himself tells us that accused belonged to his troop, and deserted on November 27th, 1914; and has identified the sword, *Ex. P.* 18 *C*.

The Risaldar further states that accused deserted taking his Cavalry sword.

P. Ws. 195 and 196 (Head Constable Hakim Singh) testify to the arrest of accused in the vicinity of the Jhar Sahib on December 1st, 1914, armed with a sword.

P. W. 194 (a *Mahant* of Shahbazpur) tells us that, when he attempted to get the deserters to return to their regiment, Surain Singh was ready to do so, but the accused prevented him. Cross-examined, this witness adds that accused asserted his intention "to fight Government," but denies knowing either accused or his father before.

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P. W. 360 (Inspector Harkishan Singh, C. I. D.) cross-examined denies having offered accused a pardon to induce him to confess; and admits that accused's brother was called, at accused's request, for accused to consult with.

This accused is undoubtedly referred to in the confession of the co-accused Bogh Singh, *Mahant* of the Jhar Sahib, in his account of 3 sowars coming to the Jhar Sahib. The only one of them whom he knew by name was the approver Surain Singh; but his story corroborates the statements of witnesses, including P. W. 194, the *Mahant* of Shahbazpur. He mentions the attempt made to get the deserters to rejoin their regiments. His narrative leaves no doubt as to the quest of the deserters; and he says nothing about their being under the influence of any intoxicant.

Accused's statement appears at page 506; and a supplementary written statement at page 509. He denies all allegations of guilt; and denies that he ever returned from leave before its expiry. He, however, admits depositing property on November 26th, 1914, with the tum-tum driver witness. He actually denies deserting his regiment; but says he and the others "went away in state of intoxication." He admits that, at the time of arrest, he had his sword with him; but says that he was then on his way back to the regiment to ask for pardon. He says that approver Ganda Singh is his enemy for certain reasons. In his written statement he alleges Police pressure, and pressure by his brother Kapur Singh, to make him bear false witness against other accused.

His Defence witnesses are 47 to 52 inclusive, 126, 127 and 716. The first batch of witnesses, which includes accused's brother, testify as to character, as to pressure put on accused, as to Ganda Singh's enmity owing to a report made about his wife's miscarriage, and as to accused's remaining in his village during the whole of his leave. They say they do not know accused Wasakha Singh. D. W. 127 says the same, and D. W. 126 makes out that he met accused, who told him that he had left the Regiment in a state of intoxication, and was on his way back to rejoin. D. W. 716 tries to support this; and says accused was "running to Tarn Taran" to catch a train, and ask his Commanding Officer's pardon.

We do not believe any of this evidence; no attempt has been made to produce a copy of the alleged report *re* Ganda Singh; and the story that accused was under the influence of *bhang* from the night of November 27th till his arrest on December 1st is absurd.

Counsel for the Defence suggests that accused was led into what he did by others. The witness, *Mahant* of Shahbazpur, however, says that this accused prevented Surain Singh from being persuaded to go back; and Counsel is obviously wrong in suggesting that that witness had served in the same regiment—at any rate, the notes of all 3 Commissioners show that the printed record is correct as to what was stated before this Court. It is put forward that accused served in the Regiment for 15 years—all the more shame to him for doing what he did.

Counsel for the Crown has argued correctly that the evidence of approver Mul Singh *Granthi* is admissible under section 10 of the Evidence Act; and he has pressed for a death sentence on the ground that accused was a soldier at the time of his misdeeds. Counsel for the defence has urged that accused is already serving a Court-Martial sentence of five years for desertion.

We are satisfied that this accused, while on military service, became an active revolutionist, propagated revolution in his regiment, and deserted it for the purpose of waging war against the King.

We find him guilty under sections 121, 131, Indian Penal Code, and sentence him to transportation for life, and we direct that his property, liable to be forfeited, be forfeited to Government.

84. Sultan Shah, son of Maghi Shah, fakir of Bhikewind, District Lahore, aged 23 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 674), is a *fakir*. He was arrested on the 12th September 1915; and, on the 20th of that month, he made a confession to a Magistrate, which later we shall have to consider along with the confessions of certain co-accused.

He was identified on Jail parade by approver Sundar Singh (W. G., who called him *fakir*, and said that he had changed his *safa*); Natha Singh, as seen by him at Khairon; Jagat Singh of Bhure (who pointed him out); and P. W. 177. In Court, by Sundar Singh, Natha Singh and Kala Singh—the last of whom said that accused was not at the Jhar Sahib on November 26th, but that he had seen him there previously. It is, of course, noticeable (as showing the trustworthiness of approvers) that the other approvers do not make out that he was at the Jhar Sahib gathering of the 26th.

Approver Sundar Singh (W. G.) states that on the 27th the accused went with him, Indar Singh and accused Teja Singh of Bhikewind to the Khairon mound assembly, armed with a sword and an iron scabbard. He thereafter took part in the attempt on Sarhali *Thana*, and went on to the Dhun *Zamindar*. The witness denies (page 90) that he drank with, or quarrelled with accused at Sur Singh. The approver Natha Singh corroborates on the above points; and, cross-examined (page 103), states that accused said that the sword had belonged to one Nizam, dacoit. The witness denies knowing whether his own sister had been abducted.

Approver Kala Singh states that he did not see accused at the big gathering at the Jhar Sahib; and only *heard* that approver Sundar Singh and accused Teja Singh of Bhikewind (compare Sundar Singh W. G.) had been to call him there. He, however, says that he did meet accused at the Jhar Sahib and at the house of Lal Singh of Bhure (P. W. Jagat Singh of Bhure pointed him out on Jail parade) for *Ghadr* purposes. He admits that he heard no *Ghadr* talk between accused and Lal Singh of Bhure (L. C. C.); but says that he himself did not go inside Lal Singh's house when accused was there.

P. W. 177 pointed accused out as one of a *chhavi* gang at the Budda well (*i.e.*, one of Natha Singh's mob).

This accused is mentioned in the confessions of 4 co-accused, namely 15 Ganda Singh *Nihang*, Kesar Singh, 49 Labh Singh and Teja Singh of Bhikewind; and in connection with the Jhar Sahib, Khairon, Sarhali *Thana* attempt, Dhun and the riverside.

Accused's own confession (which we have decided is not a mere exculpatory statement) to a Magistrate will be found at page 510. It helps to corroborate the evidence of prosecution witnesses; and, though it corroborates the statement of approver Sundar Singh (W. G.) and the confession of the co-accused Teja Singh that some liquor was drunk by them before going to Khairon, it would be absurd to believe that accused remained in a state of intoxication throughout the incidents of which he was able to give an account. He mentions his possession of the sword, about which Sundar Singh was able to tell us that it had an "iron scabbard."

Accused's statement before this Court is at page 509. He says (like some other accused) that he was beaten by the police, and that there was "a paper already before the Magistrate." He denies all that was alleged against him; and says that he was "ill, with a pain in his legs." He says he is a mendicant, with relations in Government service; and drags in the old story of approver Natha Singh and the *Mirasan*, alleging that that approver was annoyed because he refused to put her up after Natha Singh had abducted her.

The Defence witnesses are D. W.'s 91 to 94 inclusive. The two first attempt to support accused's various allegations. The last two are *Lambardars* of accused's village; and we learn from them that accused has been four times suspected of theft, and that he has been absenting himself from the village.

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The argument of accused's Counsel that his client should be given the benefit of section 85 of the Indian Penal Code "because he was under the influence of drink"; and the Ruling cited, 8 Indian cases, page 469, does not apply. It is asked why a Muhammadan should have made common cause with Sikhs; but the assemblies were not confined to Sikhs. It is urged that accused's name does not appear in the Khairon note-book; but he was, no doubt, not an important person; and we know that the entering up of names came to a hurried conclusion. Counsel for the Crown has pointed out that approver Natha Singh was not cross-examined by this accused *re* the matter of the harbouring of a *Mirasan*.

In short, in our opinion, the case against this accused is perfectly clear.

We are satisfied he was in the Khairon-Sarhali array, and is thereby guilty of waging war.

We convict him under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown. As, however, he is a very minor person, we recommend him to mercy, and that the penalty of forfeiture be not enforced.

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85. Sundar Singh, son of Rattan Singh of Doulu Nangal, Police Station Beas, District Amritsar, aged 30:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 676) is a returned emigrant who, according to the complaint, was "an emissary from America," who arrived at Hong Kong from Shanghai on the 29th or 30th July 1914 (*vide* page 17 of the printed record for details). The accused himself says (page 511) that he never went to Shanghai; but returned from Portland in the United States *vid* Hong Kong to Calcutta; and he says that he cannot remember the date of his arrival there, nor the name of the ship he came by. According to the evidence, he reached Calcutta by a Jardine Company boat on the 28th or 29th September 1914. He was arrested on the 12th September 1915; and his statement (which does not amount to a confession) was recorded by a Magistrate five days later.

(*Vide* also accused 88.)

He was identified on Jail parade by approver Sundar Singh (W. G.) and in Court by the same approver. Approver Kala Singh failed to identify him in Court on the ground that he "was not well dressed," but added that accused's name was well-known at the Jhar Sahib.

Approver Sundar Singh (W. G.), who was practically not cross-examined for this accused, has a good deal to say about him, which runs as follows:— In July of 1914 the witness learns from accused Gujar Singh that this accused has arrived with the notorious "Dr." Mathra Singh from Hong Kong to take Indians on to India. In Shanghai, the witness, this accused and accused Gujar Singh lived with the absconding accused Balwant Singh. (We can see no good reason why this approver should have made this assertion, if accused's statement were true that he had never been to Shanghai.) Accused Gujar Singh tells the witness that he and this accused will follow Mathra Singh's party after getting arms; and on July 29th or 30th, 1914, the accused arrives at Hong Kong with his party (including accused Harnam Singh of Rasulpur, Harnam Singh of Sialkot (L. C. C.) and Channan Singh, since hanged); and sails thence with the witness and others by a Jardine Company boat on September 10th, accused paying the passage-money of a revolutionist, Ganga Singh of Bhatti Bhaini. When leaving Hong Kong, this accused takes over a quantity of umbrellas (the stock-in-trade of Mathra Singh) from Mathra Singh to sell in Calcutta; the proceeds to go to *Ghadr* funds; and gives Mathra Singh 100 dollars for his and the accused Budha Singh's passage-money. This accused has on board 2 copies of the *Ghadr-di-Gunj*; and recites verses and preaches revolution. At Singapore he tells the witness that the *Komagata Maru* passengers had pistols from America and Japan; and gives Harnam Singh of Rasulpur a sovereign and a copy of the *Ghadr-di-Gunj* to preach to Indians there and collect men. At Penang the accused preaches himself without success; and, on reaching Calcutta on the 28th or 29th September, puts up at the Howrah *Gurdwara*. Next day he tells the witness about the Budge-Budge riot of the *Komagata Maru* men; and says that he and others intend to take a train at a station beyond Howrah, and tell people in the Punjab of the treatment of the *Komagata Maru* passengers. He leaves the umbrellas with the witness to be sold for the benefit of men of the *Komagata Maru*. About the 17th October, the witness finds him at Nanak Singh's *chaubara* in Amritsar with the absconder Balwant Singh (with whom he and the witness had lived at Shanghai) and accused Suja Singh; and this accused belongs to accused Gujar Singh's *Dewali* party there. The witness next meets him at Khasa station, where there is a meeting with accused Gujar Singh, with whom accused remains at Khasa. Some days later, Gujar Singh tells the witness that this accused will meet the men from Bengal, coming with arms (that is, Jagat Ram and Kartar Singh, both of the L. C. C.), at Beas. Later, the accused comes to the witness' village, and tells him that November 15th has been fixed for a rising (we find this same date mentioned by a quite different person, who has nothing to do with this accused—namely, approver Ganda Singh of the 23rd Cavalry), and gives the witness the names of some "leaders." Accused sends the witness to Sur Singh to tell people the date for the rising; and is present at Tarn Taran *Masya*, and on the *Masya* day when

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it is arranged to meet at the Jhar Sahib. He is present at Jhar Sahib gatherings of November 23rd and 26th, 1914; and, according to the witness, accused's name appears in the Khairon note-book *Exh. P.* 1.; he took part in the abortive Sarhali attempt; and was one of those who went on after it to the Dhun *Zamindar.* In response to this lengthy and detailed indictment (which no sensible person would believe to have been invented by the witness or by someone else for the witness to learn) all that appears from cross-examination is that accused's party and Mathra Singh's party were really sub-divisions of accused Gujar Singh's party.

Approver Kala Singh who states that he only knew acoused since the *Ghadr* started, corroborates that this accused was at the Jhar Sahib gathering of November 26th.

The remaining prosecution witnesses are P. W.'s 125, 126 and 206 (a Sub-Inspector, a Zaildar and a constable), who testify to three lead bullets (*Exh. P.* 90) being found on search of accused's house on the 12th September 1915 (the day of his arrest.)

Accused's statement to a Magistrate (which is not a confession) will be found at page 513.

Though it is exculpatory, it is a very lengthy and detailed statement and obviously could not have been concocted. It starts with a history of accused's life some years ago at Singapore (two visits there), Portland and elsewhere ; and mentions a visit to Shanghai (which place accused now says he has never been to) where accused (according to that statement) was shown a copy of the "*Ghadr*" newspaper. It mentions going to Hong Kong and back to Shanghai with one "Doctor Mishra" (presumably "Dr. Mathra") Singh who had a bundle of umbrellas, and whose fare this accused paid. It mentions meeting approver Sundar Singh (W. G.) and Gujar Singh, accused, in Shanghai; and sedition there, and the *Ghadr-di-Gunj*, and pistols in false bottomed boxes. It mentions the notorious Sohan Singh of Bhakna (L. C. C) ; the taking over of by the witness of the bundle of umbrellas ; and the eventual making over of the umbrellas to Sundar Singh (W. G.). We do not propose to follow this elaborate statement all through in detail ; it contains much matter which could only have been known to accused, but which is really most incriminating. It mentions Kartar Singh (L. C. C.), Khasa, the *Masya* fair, the Jhar Sahib, Khairon, and the note-book, the Sarhali *Thana* attempt; the wandering at the riverside. Throughout the latter portion of this most detailed statement runs the absurd story that accused was going about to all these different places solely with the object of trying to recover the price of the bundle of umbrellas.

Accused's statement to this Court commences at page 511 ; and his supplementary written statement will be found at page 554. He, of course, denies having ever been to Shanghai, and says he returned after 10 years' absence to marry and get his brother married. His statement to the Magistrate was induced by beating, and he denies all the allegations against him including that of the umbrellas. He admits Sundar Singh (W. G.) was on his ship ; but says he himself did not disembark at Penang. He has never even seen the Jhar Sahib, and never left his village after his return. He suggests that the police introduced the lead bullets (*Exh. P.* 90) into his house. In his supplementary statement he mentions a cheque for Rs. 1,000, which he says the police saw at the time of search, and says he was arrested on suspicion of being a regimental deserter, and that there are several men of his name in his village.

His Defence witnesses are D. W.'s 977 to 983 inclusive. It suffices to say that they (one being accused's brother) attempt to make out that accused only once left his village, to draw money from an Amritsar bank; to support the reason for his return and the suggestion about the bullets. D. W. 977 makes out that there was no sedition on the ship and actually adverts to the story of the umbrellas—which Counsel for the defence in argument, told us he wished to press again.

In spite of accused's denials before us, his Counsel has suggested that approver Sundar Singh wanted to misappropriate the proceeds of the sale of the umbrellas. He urges that no one corroborates the incident of a meeting near the Khalsa College, Amritsar, set forth in accused's statement to the Magistrate. This is true, and it is valuable proof that that statement was not concocted.

As regards the 3 lead bullets we propose to leave them out of consideration ; but, as argued by the Government Advocate, accused's own statement to a Magistrate is a very valuable corroboration of the truth of Sundar Singh (W. G.'s) story; and had that statement been tutored, accused would no doubt have mentioned by name approver Mathra Singh, whom however he described fairly accurately.

We do not agree that it is proved that accused was a *Ghadr* emissary from America ; since even in his full statement to the Magistrate, he mentions marriage as the object of his return to India. He seems to have imbibed *Ghadr* doctrines in Shanghai, and later from the revolutionist " Dr. " Mathra Singh ; but having imbibed them he certainly became an emissary in spreading them.

We are satisfied that he returned to India with the object of subverting Government on arrival, and induced others to do the same, and on arrival he took an active part in revolution and took part in the Jhar Sahib, Khairon-Sarhali array, and thereby committed an offence under section 121, Indian Penal Code. We sentence him to transportation for life and direct that all his property, subject to forfeiture, be forfeited to Government.

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88. Suja Singh, son of Khushal Singh, of Waltoha, District Lahore, aged 26 : —

This accused, who pleaded "Not Guilty" to the charges framed against him (page 678), is admittedly a cousin of accused Wadhawa Singh of Dugri (discharged by this Court's Order, dated 20th January 1916).

According to the prosecution, he sailed from Shanghai with the notorious "Dr." Mathra Singh on the 18th July 1914; and reached Calcutta by a Jardine Company boat on the 28th or 29th September of that year. The accused, who admitted that approver Sundar Singh (W. G.) was his fellow-passenger, denied (like accused 85) that he had ever been to Shanghai; and said that he sailed from Hong Kong. We shall have later to also consider with regard to him the confessions of certain co-accused. He was arrested on the 12th September 1915.

He was identified on Jail parade by approver Sundar Singh (W. G.); and was pointed out by P. W. 15 Jagat Singh of Bhure. The same two persons identified him in Court; and approver Kala Singh failed to do so; saying, as in the case of accused 85, that this accused was in Court "not well dressed," but that "his name was well known at the Jhar Sahib."

Approver Sundar Singh (W. G.) tells us that this accused was one of those who, at Shanghai, swore on the *Granth Sahib* to devote themselves to the *Ghadr* cause. As in the case of accused 85, we can see no reason whatever why this approver should have dragged this accused's name into his Shanghai recital if accused had never even been there; and, in cross-examination all that was elicited was an assertion that the witness first knew accused in Shanghai; and that he got his passport at the same time as the witness. The witness states that this accused sailed, by the orders of accused Gujar Singh on July 18th, 1914, along with the witness, Balwant Singh absconder, and Mathra Singh (and his umbrellas) to Hong Kong, reaching the *Gurdwara* there about July 25th. From there he proceeds with the witness and others by a Jardine boat on September 10th reaching Calcutta and the Howrah *Gurdwara* on September 28th or 29th; and there accused 85 (Sundar Singh) tells the witness that he and accused and Balwant Singh will go to the Punjab, and ell people of the treatment of the *Komagata Maru* passengers: for whose benefit the accused leaves his clothes behind with the witness. The witness next sees him at Nanak Singh's *chaubara* in Amritsar about October 17th with Balwant Singh absconder, and accused 85 Sundar Singh; and acoused belongs to accused Gujar Singh's *Dewali* party there. He is present at the Jhar Sahib gatherings of November 23rd and 26th; his name appears in the Khairon note-book *Ex.-P.* 1.; and he takes part in the abortive attempt on Sarhali *Thana*. Now, what apparent reason had this approver for inventing such a story about this accused?

Approver Kala Singh, who says he has only known accused since the *Ghadr* started, corroborates that accused was at the Jhar Sahib gathering of November 26th; and P. W. Jagat Singh mentioned him in Court, though he could not name him, as "at the Jhar Sahib."

P. W. 185 (Channan Singh of Bhure, son of Lal Singh of Bhure of the L. C. C.) states that a few days after the Tarn Taran *Masya*, this accused, along with Channan Singh (Walla Bridge murderer) and others, read the *Ghadr* paper at his father's house and discussed looting. There was no cross-examination.

P. W.'s 165 to 167 inclusive (to whose evidence we do not attach much importance), testify to having seen this accused and other accused in the vicinity of the village, presumably on their way to the Jhar Sahib; and P. W. 168 is the Sub-Inspector of Waltoha who arrested this accused on the strength of the Khairon note-book, *Exh. P.* 1 and the information of the above witness. One of the persons said to have been seen leaving the village with accused is accused 56 Mangal Singh; but the Sub-Inspector could not say whether accused and Mangal Singh were at enmity (*i e.*, not likely to be in each other's company.)

This accused is mentioned in the confessions of the co-accused Kesar Singh and 49 Labh Singh, the latter of whom belongs to accused's village Waltoha, in connection with the Jhar Sahib, Khairon, Sarhali. According to the latter, it was this accused who first told him of the proposed attack on Tarn Taran Police Station.

Accused's statement before us will be found at page 521 ; and a supplementary written statement at page 555. He admits that Sundar Singh (W. G) travelled on his boat ; but denies that he ever went to Shanghai, and says that, after a short time at Hong-Kong, he returned to India for lack of employment. He denies having known " Dr." Mathra Singh ; and says that he was arrested at Amritsar as a *Komagata Maru* passenger, but was releaseed, and again arrested. Accused Sundar Singh of Doulu Nangal (85—whose denial that he had ever visited Shanghai we have found to be quite false) was in the *havilat* with him; but he cannot say whether that accused and Balwant Singh, absconder, were on his ship. He denies all allegations of guilt; and alleges a petty squabble on the ship with Sundar Singh (W. G.), who, he says, was drinking hard.

He alleges enmity with co-accused Mangal Singh, with the Waltoha witnesses, and with accused Labh Singh of Waltoha. Witness Jhanda Singh, he says, gives evidence at the instance of the Police, who were also told by Jagat Singh to identify him by a mark on his face. Channan Singh of Bhure (P. W. 185) was, he says, in the same havilat. He denies leaving his village. In his supplementary statement he expatiates on the enmity of co-villagers, and his uncle's services at the front.

Exh. D. 71 is put in to show the enmity of accused's father with accused 56 Mangal Singh, but, as we have said before we are in no way convinced that private enmities would stop a man from joining a gang for a common public purpose.

The defence witnesses are D. Ws. 502 to 517 inclusive, 646, 647 and 1013. The first two assert that they knew accused during his three months' stay at Hong-Kong, and that he never went to Shanghai ; and the first batch of witnesses generally testify that accused has enmity with the co accused Mangal Singh, that his uncle is at the front, that villagers have enmity with his father, and that he never left his village. D. Ws. 646 and 647 are really witnesses for accused 49 Labh Singh (an alleged enemy of this accused!), yet they were quite ready to support this accused's story of enmity with co-villagers. D. W. 1013 (one of the co-accused Gujar Singh's witnesses, be it noted, and sister's son of this accused, who was discharged by this Court) makes the bare assertion that accused remained at Hong-Kong, and never went to Shanghai.

We certainly cannot accept defence Counsel's suggestion that approver Sundar Singh (W. G.) was " confused " as to whether this accused had been at Shanghai. He travelled on the ship with him, knew him well, and identified him both in Court and on Jail parade. This approver is no fool, and would certainly not have risked the false statement that accused was one of those who swore on the *Granth* at Shanghai, if he had known that he had never been there. As regards Wadhawa Singh, the relation of the accused, whom this Court discharged, he was simply given the benefit of the doubt for lack of certain evidence which is not lacking in the present case. In short, we see nothing of value in the arguments for the Defence.

Counsel for the Crown has called this accused "one of the leaders of the Waltoha group" and Defence Counsel has asked us to see the *first* police statement of Sundar Singh (W. G.), as to whether he then mentioned this accused by name, or only "accused 56 Mangal Singh and *other Waltoha men.*"

We find, on examining that statement, that he is mentioned by name and village.

We are satisfied that this accused returned to India for the purpose of waging war against Government, leaving Shanghai in a hostile array. We are satisfied also that he took part in the Jhar Sahib-Sarhali array. It is unnecessary to recapitulate his minor efforts. We find him guilty under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown.

He is not an important person, and we recommend his case for consideration as to whether some mercy should be shown.

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89. Surjan Singh, son of Mahan Singh, of Gujarwal, Police Station Dehlon, District Ludhiana, aged 20 :—

This accused who pleaded "Not Guilty" to the charges framed against him (page 680), gave himself up at the Lahore Central Jail on the 8th November 1915, soon after the commencement of this trial. He is not a returned emigrant.

He was identified in Court by approver Sundar Singh (A. M.), as "a man whom he had often seen, and at Ferozepore, with Randhir Singh;" also by approver Udham Singh of Hans, P. Ws. 27 Indar Singh of Khanna, 39 *Mussammat* Nihal Kaur, 40 Teja Singh, of Samrala and 317 Ichhar Singh (merely as a man whom he had seen at a *Dewan* at Basaur). Approver Bhagat Singh failed to identify him in Court.

P. W. Indar Singh of Khanna (P. 165) states that accused was present at the secret seditious meeting at Dhundari held by accused Randhir Singh after Gurbachan Singh's *Path, re* the proposed attack on Ferozepore; and that this accused got Rs. 8 from Ludhiana *bazar*, and gave him the money to go to the Bár to raise recruits. He cannot tell us when accused arrived at the *Path*, but says that he him self came the last day of it.

Approver Udham Singh of Hans states that accused was one of those who assembled at Randhir Singh's house on February 19th, 1915, and that he went with him and accused Uttam Singh to bring on accused Jagat Singh, and Sarwan Singh. Approver Sundar Singh (A. M.), Bhagat Singh, Udham Singh of Hans and P. W. 39 Mussammat Nihal Kaur are unanimous in saying that this accused, on February 19th, got into the train at Mullanpur Station with Randhir Singh's party; some of them mention him as seen at the reed jungle assembly at Ferozepore; and Mussammat Nihal Kaur says that he took her a ticket at Phime-ke-Kai station next morning. Sundar Singh (A. M.), who says that he described accused to the Magistrate prior to identification, added in cross-examination this accused as one of those present at the Gujarwal *Akhand Path*; Bhagat Singh corroborated that he was with Randhir Singh's party at Phime-ke-Kai station; and cross-examination disclosed no reasons why all the above persons should be falsely implicating accused.

Accused's statement appears at page 522; and a supplementary written statement at page 561. He says that, prior to surrendering himself on November 8th, 1915, at the Jail, he was engaged for 2 or 3 months reciting *Paths*. He, too, asserts that the Gujarwal *bhog* was on *Basant Panchmi* day, and that no secret meeting followed. He denies the allegations of his guilt; advances the military services of his father and other relations; says that he is a *Pathi*, and, as such, sometimes attends ceremonies with accused Randhir Singh; says that during the period of his alleged offences he was engaged in constructing a well; and suggests that approver Udham Singh of Hans is inimical on account of having been punished for the religious offence of cutting his hair on his travels. He, of course, is utterly wrong in asserting that no one beside that approver identified him; he was, of course, not on any Jail parade, but several witnesses identified him in Court; and he, too, admits as such in his supplementary statement as regards D. Ws Indar Singh of Khanna and his wife Mussammat Nihal Kaur. The first paragraph of that statement is full of services rendered by his family. No enmity was alleged against Indar Singh or his wife. He says he himself got up a victory *Path*.

The defence witnesses (some of whom were really called for other accused) are D. Ws. 379, 387, 383 and 916 to 928 inclusive.

The first two (one of whom is a cousin) mention the *Path* got up by accused; while D. W. 383 says that accused read the *bhog* for accused Jagat Singh in Gujarwal on *Basant Panchmi* day. The remaining batch of witnesses (some of whom also appear for accused Randhir Singh) have largely tried to support the stupid Defence story invented to upset the prosecution dates with regard to Gujarwal and Dhandari. D. W. 927 happens to be the uncle of co-accused, Nahar Singh. We have witnesses testifying to accused's loyalty and his relations' services; D. W. 928 (a relation) tells us

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that accused came to enquire about a sick person, and stayed 2½ months ; and D. W. 916 (accused's uncle) tells us that accused served for a short time as a bugler. The same witness and D. Ws. 917 to 923 inclusive assert that accused was helping to put up a persian wheel on a well from the 6th to the 10th *Phagan* (those dates of course conveniently covering the dates connected with the Ferozepore incident).

Defence Counsel's arguments really amount to nothing. He suggests that accused has been implicated in this case because of his association with Randhir Singh. Counsel also points out that at page 165 the witness, Indar Singh, stated that this accused, like himself, asked Randhir Singh how it would be possible to attack " such a tiger " as Ferozepore Fort ; but that witness also said that Randhir Singh then used persuasions, saying that religion was being interfered with.

We are, of course, quite ready to accept for consideration the fact of accused's youth. He was another of Randhir Singh's young satellites ; and found it convenient to abscond after the Ferozepore fiasco.

We are satisfied accused was at the secret meeting as alleged, and that he took part in the Ferozepore raid, and thereby committed an offence under section 121, Indian Penal Code.

We convict him under that section and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown ; but in view of the accused's comparative youth, and that he was a satellite of Randhir Singh (69), and under his influence, we recommend him to mercy and that the penalty of forfeiture be not enforced.

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90. Teja Singh, son of Dayal Singh, of Bhikiwind, Police Station Khalra, District Lahore, aged 25 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 681), arrived at Calcutta by the ss. *Nam Sang* on October 13th, 1914, from Shanghai *viâ* Hong-Kong. He was arrested on the 12th September 1915, and was brought to Amritsar the next day ; was sent to jail on the 18th ; and his confession was recorded by a Magistrate on the 20th of that month. We shall also have to consider with regard to him the confessions of other co-accused.

He was identified on Jail parades by approvers Sundar Singh (W. G.), Natha Singh (as seen at Khairon) and P. W. 15 (who pointed him out) ; and in Court by the same 3 persons (P. W. 15 not naming him, but saying that he was at the Jhar Sahib) ; and approver Kala Singh. Approver Natha Singh also described him to the Magistrate.

Approver Sundar Singh (W. G.) tells us that accused was in the Municipal Police at Shanghai. He sees him on October 13th, 1914, in accused Gujar Singh's party, at Howrah Station, at Nanak Singh's *chaubara* about the 17th, and in Gujar Singh's *Dewali* party at Amritsar. Accused is at the Nankana fair, and at Tarn Taran *Masya* asking about the date for the rising. The witness mentioned this accused to the Magistrate, but not to us, as present at the Jhar Sahib gathering of November 23rd, 1914 ; and says that on the 25th this accused and accused Budha Singh arrived at the house of Lal Singh of Bhure (L. C. C.), with Natha Singh, approver, stayed there, and attended the Jhar Sahib gathering of the 26th—the night of which was spent by the witness and accused at accused's village. On the 27th the accused goes with witness Indar Singh, and accused Sultan Shah to the Khairon mound assembly (armed with a *chhavi*), and his name (according to witness) is entered in the note-book, *Exh. P.* 1 ; he takes part in the attempt on Sarhali thana, and goes on to the Dhun zamindar. Cross-examined, this witness denies that accused ever lent him 100 dollars to pay the passage money of the witness's uncle on the *Komagata Maru* ; and adds that his uncle went partly at his (witness's) expense, and partly at his own. He never signed any bond in favour of accused ; but borrowed from one Waryam Singh of Sur Singh on a bond signed by himself.

Approver Natha Singh states that accused brought a message from Channan Singh to assemble at the Jhar Sahib for a rising ; and stopped at the witness's *haveli* with accused Budha Singh and Ganda Singh, *Nihang*. The witness gives accused a sword he had got from Lal Singh of Bhure (L. C. C.), after sharpening it on a stone ; and they start for the Jhar Sahib, but learn on the way from accused Sadhu Singh that the meeting and rising have been postponed ; so they go again to Lal Singh of Bhure, learning from approver Sundar Singh of the failure of the 23rd Cavalry sowars to turn up at the Jhar Sahib. Accused and Sundar Singh leave for Bhikewind (accused's village—compare approver Sundar Singh's statement), leaving the sword at Lal Singh's house. This approver corroborates also *re* accused's presence at the Jhar Sahib on the 26th November, and *re* Khairon, Sarhali attempt and Dhun. Cross-examined (page 103), he cannot say whether accused was an associate of one Jawand Singh, *Nihang*.

Approver Kala corroborates *re* seeing him at Lal Singh's house (he says about November 10th), and at the Jhar Sahib on November 26th ; and P. W. 15 Jagat Singh of Bhure (Lal Singh's village) was able to point accused out as having been at the Jhar Sahib.

This accused is mentioned in the confessions of no less than 5 co-accused ; namely, 15 Ganda Singh *Nihang*, Kesar Singh, 49 Labh Singh, Sultan Shah, and Thakar Singh, of Thatian—and in connection with the Jhar Sahib, Khairon, Sarhali, Dhun and the riverside wanderings. Co-accused Ganda Singh mentions him in connection with Kartar Singh (L. C. C.), and a trip to Ferozepore (not the raid) ; Kesar Singh mentions him as along with co-accused Gujar Singh being inflamed by the

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lecture of the revolutionist Sohan Singh of Bhakna (L. C. C.); and he is the first person mentioned in the confession of Sultan Shah, to whose village he belongs and who mentions having some liquor with him and approver Sundar Singh (W. G.).

Accused's own confession to a Magistrate will be found at page 525. It is a lengthy detailed statement, and fully implicates accused, who mentions Sundar Singh (W. G.) and co-accused Gujar Singh at Shanghai, and says that the latter paid his passage money. Accused says in it that he did not start off with seditious ideas, but got imbued with them on the voyage to India. It suffices to say further that the confession is very fully corroborative of the statements of approvers and witnesses as to Khassa Railway Station, the Jhar Sahib, Khairon, etc., and even contains a reference to Kartar Singh (L. C. C.).

Accused's statement before this Court will be found at page 524. He asserts that his confession was induced by Police ill-treatment, and denies that Gujar Singh paid for his passage. As in his confession, he refers to bringing his cousin Tara Singh back to India. He denies all allegations of guilt and alleges a quarrel with Sundar Singh (W. G.) about money alleged to have been borrowed at Shanghai. He denies leaving his village after his return; says that approver Natha Singh testifies against him at the instance of Sundar Singh (W. G.), and makes the usual allegations about having been shown to different witnesses for identification purposes.

His defence witnesses are D. Ws. 15 to 21 inclusive, 30 and 534. The first batch of witnesses (one of whom is accused's first cousin, and a *lambardar*) testify to accused's returning with his sick cousin (Tara Singh), and testify as to character and as to his never leaving his village. D W. 30 is the aforesaid Tara Singh. D W. 534 is the Magistrate who recorded the confessions of this and other accused. He admits of course putting some questions to this accused; to clear up ambiguities and because he had already written other statements in which arms had been mentioned, and wished to ascertain "whether accused had gone for mischief or for an innocent purpose."

Accused's Counsel has urged that the Magistrate "asked accused too many questions." Perhaps there is something in this, but we are perfectly satisfied that the accused did make his confession and without wrongful inducement. We are quite ready to bear in mind that accused was unable to produce Shanghai witnesses *re* the alleged money quarrel; but the fact remains that D. W. Tara Singh was not even questioned on the subject. As regards the point that accused's confession was not recorded for 8 days, it must be remembered that the Magistrate had other statements to record; and a reference may be made to the foot-note *re* accused on page 378, and to our opening remarks in this individual case.

In our opinion the case against this accused has been thoroughly proved.

We are, in short, satisfied that the accused came back to India, joining in a hostile array to subvert Government, and that he participated in the Jhar Sahib Sarhali array. We sentence him under section 121, Indian Penal Code, to transportation for life and direct that his property, liable to forfeiture, be forfeited to the Crown. We do not, however, consider him a very serious offender; and we recommend him to mercy, and that the sentence of forfeiture be not enforced.

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91. Teja Singh, son of Sundar Singh, of Sandpura, Police Station Khalra, District Lahore, aged 30 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 683), is not a returned emigrant. He was arrested on 12th September 1915.

He was identified on Jail parade by approver Sundar Singh (W. G.); and P. W. Surain Singh, who could not name him, but said he had "seen him somewhere." In Court by Kala Singh, approver, and P. W. Surain Singh; Sundar Singh (W. G.) mistaking him for accused Natha Singh of Dhun (61).

We shall have to consider later with regard to him the confession of a co-accused.

Approver Sundar Singh (W. G.) has included this accused in the list of persons present at the Jhar Sahib gathering of November 26th, 1914; and this is corroborated by approver Kala Singh, who stated that he had known accused since the *Ghadr* started. The only questions put to this last witness in cross-examination were directed to showing that Kala Singh had some opportunity of seeing accused at an identification, or before a Magistrate at the time of remand, and so on.

P. W. -1 Surain Singh states that accused was at the Jhar Sahib when some people met there on November 30th; but returned home, and was not present next day. At the Jhar Sahib accused described himself as "Mula Singh of Sugga." He did not know accused before; nor heard him lecture. He admits that he first learnt that accused's name was Teja Singh at Jail parade identification; and says that he did not name him to Inspector Harkishan Singh, but gave a description.

P. W. 128 (Sub-Inspector of Patti *thana*) states that he was ordered to enquire about accused's having a saw or a revolver; and that on September 24th, 1915 (*i.e.*, 12 days after his arrest) the accused produced the saw (*Exh. P. 9 B*), from his *haveli*. Accused told the witness he had been given it by Lal Singh of Bhure (L. C. C.); it is now in a rusty condition.

P. W. 129, a zaildar, tendered to corroborate this discovery was not cross-examined.

The co-accused who mentions this accused in his confession is 15 Ganda Singh, *Nihang*, who speaks of him as at the Khairon mound assembly, and at the attempt on Sarhali *thana*.

Accused's statement before this Court will be found at page 532; and a supplementary statement (in writing) at page 555. Accused denies ever having called himself "Mula Singh of Sugga." He admits making over the saw to the Police; and says that it was given to his brother some ten years ago by one Bisakha Singh of Tappa. He is, of course, incorrect in saying that approver Sundar Singh did not identify him on Jail parade; but correct as regards the identification in Court. He says that the son of Lal Singh of Bhure (that is, Channan Singh, P. W 185) got approver Kala Singh to name him out of enmity (giving reasons); and that it is P. W. Surain Singh himself who has a relation named "Mula Singh of Sugga."

In his written statement he says that at first the Police did not trouble to take the saw, which is not in a serviceable condition. (It only appears rather rusty.) He recounts the services of his relations.

The Defence witnesses are D. Ws. 556 to 560 inclusive. They speak as to accused's character; his illness; the services of relations; and the enmity of Lal Singh of Bhure (L. C. C.) and others. They are not particularly convincing.

We, however, are of opinion that this may be a doubtful case. We agree with Defence Counsel's contention that we should exclude that portion of the statement of the Patti Sub-Inspector which says that accused told him he had been given the saw by Lal Singh of Bhure; and we can find nothing

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on the record to support the Crown Counsel's contention that Sundar Singh (W. G.) mentioned this accused as at Khairon and Sundar Singh, in Court, mistook him for accused 61. His name does not appear in Khairon note-book; though he is mentioned as at Khairon in the confession of the co-accused, which it was agreed should not be much pressed. The identifications, taken all round, are not too satisfactory; and, though the defence have offered no evidence *re* "Mula Singh of Sugga," we can see no particular reason why he should have been passing under that name at the Jhar Sahib. Moreover, P.W. Surain Singh, who mentions "Mula Singh of Sugga," admittedly did not name him to the Police: first heard his name on Jail parade; and at Jail parade could only say that he had "seen him somewhere." The confession of the co-accused does not mention him as at the Jhar Sahib.

In short, we are in some doubt as to the guilt of this accused, and giving him the benefit of the doubt, we acquit him.

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93. Thakar Singh, son of Suba Singh, of Thatian, Police Station Sirhali, District Amritsar, aged 26 :—

This accused, who is probably rather older than the age he gives (being an *ex*-sowar of the 22nd Cavalry), pleaded "Not Guilty" to the charges framed against him (page 685). He arrived at Calcutta on 13th October 1914 by the ss. *Nam Sang* from Shanghai *vid* Hong-Kong; was arrested at Fatteh-garh in the United Provinces on the 13th September 1915; and his confession was recorded by a Magistrate on the 17th of that month. We shall also have to consider in connection with him the confession of a co-accused.

He was identified on Jail parade by approver Sundar Singh (W. G.) and P. W. 15 (who pointed him out). In Court, by the same 2 persons (P. W. 15 saying that he was at the Jhar Sahib); and (25) Achhar Singh (who failed at the first attempt; and regarding whose identification we recorded a note, at accused's request, that accused is a man of short stature as compared with the others in the dock). This accused is one of those whom approver Kala Singh failed to identify in Court, on the ground that they were "not well dressed," but added that their names were well known at the Jhar Sahib.

Approver Sunder Singh (W. G.), who spoke of accused as an *ex*-sepoy of Shanghai, who had come from Hankow, says that he saw the accused on October 13th, 1914, in accused Gujar Singh's party at Howrah Station, that he was at Nanak Singh's *chaubara* about October 17th at Amritsar, and in Gujar Singh's *Dewali* party there. Accused was one of the revolutionists at Nankana fair; and left there for Lyallpur to go lecturing in the *Bar*. Later, he comes with accused Harnam Singh of Rasulpur to the witness's well, saying that many men in the *Bar* will join; and leaves for Tarn Taran *Masya*, intending to preach sedition on the way there. The witness finds him at the *Masya*, asking about the date for the rising, and later, visits accused to tell him that the date has been altered to November 23rd. Accused attends the Jhar Sahib gatherings of November 23rd and 26th, his name (according to witness) is in the Khairon note-book, *Exh. P.* 1, and he takes part in the attempt on Sarhali *Thana*. Cross-examined (page 90) the witness denies that accused ever fought with him, nor did one Dyal Singh at Shanghai.

P. W. 15 Jagat Singh of Bhure, of course, pointed out accused in Court as seen by him at the Jhar Sahib, and approver Kala Singh corroborates the assertion that accused attended the gathering of November 26th.

P. W. 25 Achhar Singh tells us that he met accused outside a recruiting office about early December 1914. Accused had previously been in the 22nd Cavalry, had recently returned from China, and told the witness that he was re-enlisting for the purpose of spreading *Ghadr* in the regiment. Accused was finally re-enlisted in the 22nd Cavalry, and later, when a detachment of that regiment were given a feast in the Lines of the 23rd Cavalry at Lahore Cantonment, Sowar Jawand Singh of the 23rd Cavalry told Nand Singh that the accused had re-enlisted in order to seduce men to the *Ghadr* cause, but that only he (Jawand Singh) had joined. (This evidence is relevant under section 10 of the Evidence Act.) Cross-examined (page 150) the witness says that he and accused enlisted at the same time, and that Gurbakhsh Singh was not present.

P. W. 360 (Inspector Harkishan Singh of the Criminal Investigation Department) testifies to accused's arrest at Fattehgarh (the Regimental Depôt) and denies having sent for accused's father.

This accused is mentioned in the confession of co-accused Kesar Singh. He mentions him as coming with accused Jindar Singh to fetch him; and in connection with Khairon and Sarhali *Thana*.

Accused's own confession will be found at page 536.

It is a very lengthy and detailed confession, and tells how accused's passage to India was paid for by accused Gujar Singh and Sohan Singh of Bhakna (the L. C. C. revolutionist). It affords valuable corroboration of the truth of approvers' stories, and connects accused with the Jhar Sahib, Lal

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Singh of Bhure (L. C. C.), Khairon mound gathering, and the Sarhali *Thana* attempt. There, according to accused, he felt ill and wanted to get away, but was prevented by Sundar Singh, approver, and another co-accused. He mentions going to Dhun, and thereafter fell in with Sardar Gurbakhsh Singh, Jamadar, of the 22nd Cavalry, and decided to try and re-enlist, and finally was re-enlisted. The statement is corroborative of P. W. 25 Achhar Singh. The confession goes on to say that accused was afterwards implicated in a theft of flower-pots from Bolaram Railway Station, and left the regiment with a bad certificate. He then tried to enlist in the 42nd Regiment; but, after correspondence between the two regiments, he was arrested and sent up to the Amritsar Police. It is noticeable that in this confession he made a special mention of accused 24, Harnam Singh of Rasulpur, who was specially named as his associate by approver Sundar Singh (W. G.)

His statement before this Court will be found at page 534, and a supplementary written statement at pages 555—556. He says that the Police placed a statement before the Magistrate, and that he was deceived into thinking he would be let go. He denies that anyone paid his passage money to India, and denies all allegations against him. He admits attending Nankana fair, where he heard nothing about *Ghadr*. He denies re-enlisting for *Ghadr* purposes, and admits meeting P. W. Achhar Singh (approver), who was a stranger, at the time of re-enlisting. He admits his arrest at Fattehgarh where he had gone to re-enlist a second time, and to see his brother, *Havildar* Ganda Singh. He says that in Shanghai he quarrelled with approver Sundar Singh (W.G.) about a goat, and gave him a beating. He says he has relations at the front; and was induced to make a statement by his parents, his *lambardar* and Inspector Harkishan Singh, the latter of whom offered to tutor him as to names and villages.

In the supplementary statement (page 555) he gives a list of relations in Government service; and says he was called back from China (he was once at Hankow) to either stay at home, or re-enlist in the cavalry. He sent a letter to his old Colonel, and eventually was called back by his brother to re-enlist in his old regiment.

His Defence witnesses are D. Ws. 455 to 457 inclusive and 957. They testify to accused's having originally had a good regimental character; and to the services of his relations. D. W. 455, a Sub-Inspector, testifies to accused's father being wired for to Amritsar, probably in September—thus contradicting P. W. Inspector Harkishan Singh. D. W. 456 so far corroborates approver Achhar Singh as to say that one Jawand Singh did accompany a machine-gun section of the 22nd Cavalry (with 23rd Cavalry) to the front. D. W. 957 supports re accused's dismissal in connection with the theft of flower-pots; and D.W. 457 (accused's brother Ganda Singh, *Havildar* of the 47th Sikhs) produces the letter *Exh. D.* 36—which appears perfectly genuine. That letter has an envelope with the postmark of Lahore, 7th August 1914; and was passed by the Censor from Hong Kong. Its contents are very good evidence that accused really wished to return to India to re-enlist because his money was spent.

We believe that accused's confession was genuine enough; and we wish to give him the full benefit of it. Reading between the lines, it supports Defence Counsel's arguments that his client, a young man, was really anxious to return to India simply to re-enlist, and was got at by revolutionists like Sohan Singh of Bhakna and accused Gujar Singh with offers of passage-money. Sedition was talked on board; and even in India Gujar Singh kept a grip on accused, for we find him again paying a rail-fare. Accused is then told by Gujar Singh that he will receive orders; but, when approver Sundar Singh and another person come to him, he pleads illness, and is only persuaded to go to the Jhar Sahib when he is reminded how he was once poor and was helped back to India by having his passage-money paid. Later on, we find him again trying to get away on the plea of illness, but being prevented again by Sundar Singh (W. G). As soon as he can, he re-enlists in his old regiment (afterwards trying to get into another), and his confession contains no hint that he re-enlisted for *Ghadr* purposes. There seems no good reason why accused

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should have talked with such confidence to a stranger like approver Achhar Singh outside a recruiting office ; and his statement may be somewhat embroidered ; and part of it was only what he says Jawand Singh told him. It is also quite possible that accused may simply have talked in his old regiment of his *Ghadr* experiences ; and we find his alleged *sole convert* (Jawand Singh) on his way to the front.

Our conclusions are that this accused did go to the Jhar Sahib, and take some part in the incidents which followed, largely under considerable pressure and persuasion ; but he was not a whole-hearted revolutionary.

Still, he did take part in the Jhar Sahib-Sarhali array, knowing what its objects were ; and we are compelled to convict him under section 121, Indian Penal Code, for waging war ; and sentence him to transportation for life, and direct that all his property, liable to forfeiture, be forfeited to the Crown ; but we recommend him very strongly to mercy and that the sentence of forfeiture be not enforced.

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94. Thakar Singh, son of Katha Singh, of Waltoha, district Lahore, aged 17 (looks a little older) :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 687), is not a returned emigrant; and was arrested on the 16th September 1915. He is mentioned in the confessions of certain co-accused.

He was identified on Jail parade by Sundar Singh (W. G.—who pointed him out as "having seen him at night") ; and Natha Singh (not by name, but as seen at the Jhar Sahib and Khairon). P. W. 10 (Mr. Scott), cross-examined (page 509), could not say whether Sundar Singh mentioned accused's village; nor remembered whether Natha Singh only identified him at a second trial.

In Court, the same two approvers identified him. His age of course might render him the more conspicuous.

Approver Natha Singh, who could not name him, simply picked him out as at the Jhar Sahib and Khairon; while Sundar Singh (W. G.), who says he knew him before, makes no mention of him as at the Jhar Sahib; but says that accused's name appears in the Khairon note-book, *Exh. P.* 1; and that he took part in the abortive attempt on Sarhali *Thana.*

P. Ws. 165, 166, 167 are men of his village Waltoha; but we do not attach much importance to their statements that they saw accused and other co-accused leaving the village together—presumably, according to the prosecution, for the Jhar Sahib or Khairon.

P. W. 168 is the Sub-Inspector of Waltoha, who says he arrested accused on the strength of the note-book, *Exh. P.* 1, and of information afforded by the above witnesses and the co-accused Mangal Singh of Waltoha and Suja Singh.

A "Thakar Singh of Waltoha" is mentioned in the confessions of co-accused 49 Labh Singh of Waltoha and Sultan Shah. The former says that he and accused and others left the village with the idea of looting Sarhali or Tarn Taran Police Station. They went to the Jhar Sahib and to Khairon; and on towards Sarhali *Thana*; and then tried to get away home, but were threatened with death by Lal Singh of Bhure. Eventually they managed to get away. Co-accused Sultan Shah's confession is corroborative of this story from Khairon onwards.

Accused's statement will be found at page 540. He denies everything, and says he has never seen the Jhar Sahib. He says that a Sub-Inspector has involved him in this case because he refused to give evidence about a fight in his village; that the co-accused Labh Singh and Mangal Singh of his village have had quarrels with him, so he could not have associated with them for any purpose whatsoever; that P. W 165 Ishar Singh's nephew was imprisoned "on our complaint;" and that P. W. Ijaib Singh was in the *Thana* with him at Amritsar, and the Police got him to testify. The accused concludes by saying that there are many men of his name in Waltoha.

Exhibit D. 44 is relied on by the defence. It is a report to the Police made by one Jawahir Singh on 19th July 1915; and the exhibit contains 2 pound receipts. None of these documents are of any material use to the accused.

The defence witnesses are D. Ws. 504 and 636 to 645 inclusive The first is really a witness for accused Suja Singh, and he says that the accused whose case we are considering bought land from a Brahman, and quarrelled with accused Mangal Singh, who had land adjoining, about the building of a wall. The remaining witnesses are as to character, and say that Waltoha is a big village with several "Thakur Singhs" in it. They say that accused was never absent from the village during *Maghar*; and that he is on bad terms with the co-accused Mangal Singh and Labh Singh.

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We do not attach much weight to the defence argument that, because of some quarrels with co-accused (of which there is very little proof) this accused could not have joined the same gang for a common object. In addition, Counsel for the Defence has urged that approver Natha Singh (page 101) "could not say" who the Thakar Singh in the note-book was—this is correct. He has urged that approver Kala Singh and other Jhar Sahib witnesses have not mentioned accused; and that, in any case, his client was very young and ignorant.

Counsel for the Crown did not wish to urge anything special.

We have some doubts in this case as to the identity of the accused, and we give him the benefit of it, and accordingly acquit him.

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96. Udham Singh, son of Jiwan Singh, of Ladupura, Police Station Wairowal, District Gurdaspur, aged 18 :—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 689), is probably older than the age he has given. He reached Calcutta (he says, from Hong Kong) on the ss. *Tosha Maru* on October 29th, 1914.

He was identified on jail parade by approvers Sundar Singh (W. G.), and Natha Singh; and by P. Ws. 175 (not by name), 182, 198. In Court by the same 2 approvers, and approver Kala Singh.

Approver Sundar Singh (W. G.) speaks of him as one of the revolutionists at Nankana fair; and says that he, about November 17th, 1914, visited him (the witness), along with Harnam Singh of Sialkot (L. C. C.) on the way to Tarn Taran *Masya*; where the witness finds him enquiring about the date for a rising. He is present at the first meeting at the Jhar Sahib; and at the gatherings of November 23rd and 26th. His name, according to witness, is in the Khairon note-book, *Ex. P.* 1; he takes part in the Sarhali attempt; and goes on to the Dhun *zamindar*. About December the 3rd, 1914, the witness, after his return from Lahore Cantonment, meets accused in the company of Harnam Singh of Sialkot (L. C. C.), at Sur Singh; and some days later, Kala Singh (since hanged) tells the witness, who had given up *Ghadr* notions, that accused is with Natha Singh, approver.

Approver, Natha Singh, who remembered accused's name during his statement, corroborates the previous witness as to accused's presence at the Jhar Sahib on November 26th; at Khairon, and at Dhun. The witness goes on to say that, after his return from Lahore Cantonment, he and Sundar Singh, approver, told this accused and Harnam Singh of Sialkot that he and Sundar Singh were no longer members of the *Ghadr* party. He gives corroborative evidence that accused and accused Budha Singh themselves relinquished *Ghadr* ideas; and toured about with him for a time as his *sewaks*. Cross-examined (page 104) he says that he learnt accused's name from accused Budha Singh; and that he never heard him lecture.

Approver Kala Singh, who says he has known accused since the *Ghadr* started, corroborates that accused was at the Jhar Sahib gathering of November 26th.

P. Ws. 175, 182 and 198 are concerned with accused's wanderings with Natha Singh, approver.

P. Ws. 203 and 204 (a Sub-Inspector of Gurdaspur and a *lambardar*) are concerned with reports regarding accused absence from his village. The first of these witnesses says that accused was absent on November 21st, 1914 and returned in February 1915. The witness had received orders to watch him and his report is *Exh. P.* 104 (including accused's personal file). The *lambardar* who says that accused returned to the village from abroad in *Bhadon*, and who also reported, had himself received orders about 1½ months before.

P. W. 212 (Circle Inspector, Gurdaspur) on the 7th November 1914 (*vide Exh. P.* 104) ordered the Sub-Inspector to watch accused in the event of his returning from abroad. No *Gil* Jat of that name could be found in the village, and accused (a *Saini*) had not turned up, but reached the village in February 1915. *Exh. P.* 107 is a copy of a list of arrivals by the *Tosha Maru* containing the name "Udham Singh, *Gil* Jat." (The accused himself says that he is a "*Saini Gehlan*" by caste.) Cross-examined, the witness says that accused was under supervision since his return to his village in February 1915; the *lambardars* reporting about him, since when the witness heard of no complaints of his conduct.

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This accused's statement will be found at page 541. Accused denies the allegations against him ; and says he returned from Hong Kong after 3 or 4 months for want of employment. He says that he was in approver Natha Singh's employ to look after his horses ; and accompanied him about as his servant, not as his *sewak*. He tells the usual story as to opportunities afforded to approvers for identifications ; says that he was ill-treated by the Police for refusing to give evidence ; and says that approver Natha Singh declined to give him his wages and struck him.

His defence witnesses are D. Ws. 689 to 694 inclusive. Two of these are accused's father and uncle, who testify to accused's character ; and along with the other witnesses say that accused did not absent himself from his village Ladhopur. This evidence would appear to militate against accused's own statement that he was Natha Singh's servant, since that approver lives at Sur Singh. Moreover, accused's own father only says that "accused mentioned one Natha Singh as his employer." There is no evidence produced to support the story of a dispute about wages.

There is nothing worth saying about the remarks of counsel for the defence ; and the Crown counsel admits that the evidence of P. W.'s 203, 204 and 212 was only produced with regard to accused's absence from his village ; not for the purpose of proving that he was really "a dangerous man." It is also to be noticed that accused's alleged enemy, Natha Singh, obviously showed no desire to drag him into his statement (see back).

We can see no reasons for doubting the prosecution evidence against this accused ; but we remember that he is young (probably, about 19) ; and we think that, being at a somewhat loose end after his return from abroad, he got mixed up in the following of approver Natha Singh ; and was probably rather proud of dancing attendance on such a man, who was a *Mahant* and a descendant of Baba Bidi Chand.

We are satisfied that accused returned to India, and on arrival became associated with other revolutionists, and joined in the Jhar Sahib-Sarhali array. We find him guilty under section 121, Indian Penal Code, and sentence him to transportation for life, and direct that his property, liable to forfeiture, be forfeited to the Crown ; but in view of his youth and of his possibly being a satellite of Natha Singh, we recommend him to mercy and that the order of forfeiture be not enforced.

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98. Uttam Singh, *alias* Ragho, son of Jita Singh, of Hans, Police Station Jagraon, District Ludhiana, aged 32 years:—

This accused, who pleaded "Not Guilty" to the charges framed against him (page 691), is one of the most important accused in this case, with a very lengthy *dossier*. He asserts (and has produced many defence witnesses to prove) that his name has always been "Ragho Singh," never "Uttam Singh;" and he says that he returned to India by the *s.s. Tyneo Maru* from Victoria to Colombo.

The emigration lists show that he, along with the co-accused Ishar Singh, Ranga Singh, and Mastan Singh came from Canada by the *s.s. Australien*, reaching Ludhiana between the 17th and 21st December 1914; and the statement of Mr. Slattery (pages 548 and 549 of the printed record), P. W. 346 (recalled), should be seen. He states that the aforesaid accused all came by the *s.s. Australien* from Hong-Kong to Colombo; and that the accused whose case we are considering was registered by Mr. Isemonger of the Police at Ludhiana as "Ragho Singh" He says that the *Australien* reached Colombo on 12th or 13th December 1914; and that the passengers of the *s.s Om Sang* (which reached Calcutta on January 3rd, 1915) and of the *Australien* were really of one party. They arrived together at Hong-Kong on the *s.s. Mongolia*, and could not get passages to Calcutta for some days because of the raids of the German boat, the *Emden*—so 94 persons took passages to Colombo by the French Mail Steamer *Australien*. Cross-examined, this witness stated that he had a note to the effect that some 150 persons reached Japan on the *Tyneo Maru;* and at Nagasaki were transferred on to the *Mongolia*, which already had about 100 passengers. He could not say whether it would have been possible for this accused to have changed on to the *Australien* at Shanghai. Later on in his cross-examination, the witness stated that the reason why he spoke of the *Mongolia* passengers as "a party" was because the Police information (from the Japanese Police) was that those persons were expected by "a certain person" in Japan; and because they came on the *Mongolia* instead of continuing on the *Tyneo Maru* which they could have done. The witness was unable to say whether this accused travelled by the *Tyneo Maru*.

This accused, who is a cousin of accused 30, Indar Singh, of Sheikh Daulat, is alleged to have been one of the persons absconding at the time of the Lahore Conspiracy Case; and was arrested along with accused, Ishar Singh, on the 19th September 1915. We shall later have to consider with regard to him the confessions of two co-accused

He was identified on Jail parades by approvers Sundar Singh (A. M.), who could not remember his name; Udham Singh of Hans; Bhagat Singh, Bachan Singh, Amar Singh II, Arjan Singh (who "saw him with Ishar Singh"), and P. W. 234 (the *sharbat*-seller of Hoti Mardan).

In Court by Udham Singh of Hans (who, of course belongs to accused's village), Sundar Singh (A. M.), Bachan Singh, Arjan Singh, Amar Singh II (after first wrongly identifying accused 26, Harnam Singh as him), P. W 234, and P. W. Ichhar Singh (as a man of Hans, whose name he could not remember at the moment, but whom he had seen at Lohatbadi). Approver Bhagat Singh in Court wrongly identified accused Ganda Singh *Nihang*, and then accused Sadhu Singh as this accused. Approver Anokh Singh did not identify him P. W. 60 (a student) failed on Jail parade; and approver Narain Singh in Court; and P. W. 284 (Sewa Singh, son of P. W. Ichhar Singh) also failed in Court.

Approver Sundar Singh (A. M.), cross-examination of whom elicited nothing of any importance (*vide* pages 162, 163), though the witness appears to be mistaken in saying that he mentioned accused's name on Jail parade, has a lengthy story about him, which runs as follows:—The absconding accused Indar Singh of Patiala tells the witness that accused (armed with a pistol) was present at a meeting at Lohatbadi with accused 17 Gandha Singh (sentenced to death by this Court for his share in the Ferozshahr murders) and

others, when it was decided to commit a dacoity at Jhaner. The witness and Indar Singh go to Lohatbadi school *Gurdwara*. where they meet this accused and the notorious Nidhan Singh (L. C C.) ; and thence to P. W. Ichhar Singh's *chaubara*, where they meet the aforesaid Gandha Singh, and discuss a dacoity at Jhaner. The accused, however, says that it is too close to Lohatbadi ; and the idea is abandoned. Next morning, another meeting is held at Ichhar Singh's *chaubara ;* and Gandha Singh and the absconding accused Sewa Singh are despatched to Ase Majri on approver Narain Singh's camel. The accused is present at a meeting *re* the making of cartridges and gunpowder ; and later, Indar Singh of Patiala tells the witness of the Rabhon dacoity of February 3rd, 1915 ; and says that the accused and Gandha Singh want to see the witness at Lohatbadi. He finds the accused there with Indar Singh, Ganda Singh and Buta Singh (since hanged) ; and P. W. Ichhar Singh says that some Rs. 1,500 of Rabhon loot has been despatched to the *Ghadr* party at Amritsar and elsewhere by the hand of this accused. A day or so later, the accused and the Anarkali murderer visit the witness to see if his house is suitable for *Ghadr* purposes ; and a man from the "Doaba Party" comes, saying that he has been sent by accused to see whether *Ghadr* men can be put up at the witness's house. Later, the accused and Gandha Singh decide to make *lota* bombs with screw tops ; and the accused and the witness and accused Karm Singh buy 1 brass and 2 white metal *garwas* for Rs. 4 in Patiala (*vide Exh. P.* 38). The accused, witness, Gandha Singh and accused Karm Singh go to the house of Ram Singh, reservist Gujarwal, taking the *garwas*, where they attend the secret meeting held by accused Randhir Singh, and accused says that a *Nihang* Sikh near Gujarwal can supply arms for 100 men. The accused then goes with accused 23 Harnam Singh and accused Jagat Singh to the *Nihang* ; and returns with the information that arms can be supplied for a rising. After the arrest of approver Narain Singh and P. W. Ichhar Singh, the accused and accused Karm Singh say that they will continue to make bombs at the house of Chuhar Singh of Lilli or Nand Singh of Kaile (L. C. C.), and they take over the *garwas* left at Ram Singh reservist's house. Later, the accused visits this witness when approver Udham Singh and accused Karm Singh are present; and Karm Singh tells how accused Randhir Singh has learnt from the notorious Kartar Singh of Soraba (L. C. C.) of the projected rising at Ferozepore for the night of February 19th, 1915. On the 19th (says this witness) the accused gets into the train at either Ludhiana or Mullanpur, armed with a pistol ; and at Ferozepore goes with Kartar Singh of Soraba to the Lines to see what is happening. They go again ; and return with the information that the Military authorities are on the alert ; and, after the collapse of the enterprise, accused leaves in company with Lal Singh and Buta Singh (hanged). It would be difficult to find a more detailed statement than this ; it is absurd to suppose that this witness invented it, or that it was invented for him ; and cross-examination really elicited nothing.

Approver Bhagat Singh (whose identification in court we bear in mind) speaks of accused as "a *Ghadr* leader." He corroborates that accused was at Mullanpur station on the 1 th February ; and, cross-examined, says (page 2 5) that he learnt accused's name there from accused 23 Harnam Singh of Gujarwal, *i. e.*, the man alleged to have accompanied this accused to the *Nihang* Sikh). The witness says that he never went to accused's village. On the 19th May 1915, no doubt, he promised the Superintendent of Police to assist in the capture of accused.

Approver Bachan Singh states that accused was one of the *Ghadr* men who used to visit accused Pakhar Singh's well ; and he also asserts that accused was present at the assembly on June 5th, 1915, in a garden near Kapurthala for the projected attack on Kapurthala Magazine.

Approver Udham Singh of Hans, of course, belongs to accused's village ; and his story is as follows :—About the middle of December 1914, after the witness' return from Italy, he meets accused in his village, and tells him how he had to return from Naples, being considered an undesirable immigrant on account of some eye-disease ; and the accused then, and afterwards, indulges in tirades against Government and speaks about the grievances of Indian

students. At the Islamia High School Boarding House in Ludhiana, the student accused Sajjan Singh tells Kartar Singh of Soraba (L. C. C.) that the witness is acquainted with accused; and the same evening the accused tells the witness that he had attended a *Singh Sabha* at Raikot and met members of the *Ghadr* party; also, an *Akhand Path* at Narangwal, where accused Randhir Singh, Mastan Singh and Sajjan Singh had been present, and he (the accused) had told Sajjan Singh student to enlist the witness in the *Ghadr* ranks. He also tells the witness that dacoities are being committed, troops seduced, and that the day for a general rising will shortly be announced. He takes the witness off to Kaile, and introduces him to Nand Singh (L. C. C.) of that village (whom the witness identified in the condemned cells at Lahore Central Jail). He then takes the witness to Lohatbadi, and introduces him to P. W). Ichhar Singh, saying that Ichhar Singh can inform the witness of his (accused) whereabouts. On February 1st, the day after Nidhan Singh L. C. C's.) arrival with a bag of bomb material from Jhabewal, accused turns up at Ichhar Singh's *Gurdwara* in company with Buta Singh (since hanged). He tells the witness to get Rs. 1,000 from accused Gandha Singh, and meet him with Nidhan Singh at Kaile; and leaves with Buta Singh. After this, accused Gandha Singh (who implicates accused to witness as one of the Rabhon dacoits) in the witness' presence makes over the money to accused Ishar Singh and Nidhan Singh, who start for Kaile. On the way there, the accused meets them near Littran village, and goes with the witness to Kaile, arranging to meet the other two next day at a canal bridge. Accused and the witness put up with Nand Singh of Kaile; and next day all three meet Ishar Singh and Nidhan Singh, and the accused tells Nidhan Singh to take the money off to the Amritsar *Ghadr* Committee; himself leaving with the witness for Ludhiana; and thence to Sri Shankar to meet another returned emigrant. (Compare approver Sunder Singh's and P. W. Ichhar Singh's statements about this supply of funds for the *Ghadr* Committee.) To continue the witness' story:—He and accused go on to Jullundur, the accused asking whether he knows any student there who can be won to the *Ghadr* cause; and there the witness takes accused to P. W 60, a student, to whom the accused preaches sedition, but who refuses to join. Accused then leaves for Patiala; telling the witness to meet him at the house of approver Sunder Singh (A. M.). On February 18th, Sunder Singh tells the witness that accused has gone to see accused Randhir Singh; and at 3 A.M. on the 19th the witness meets accused at Ludhiana station, who tells him that the rising will start that evening; and takes him to Randhir Singh's house, where they find assembled a number of the co-accused (named by the witness) and other persons. Accused then takes the witness and accused Surjan Singh with him to collect accused Sarwan Singh and Jagat Singh; and visits Kaile, but finds Nand Singh absent. The witness then again corroborates by telling us how he and accused took train at Mullanpur; and attended the reed jungle gathering at Ferozepore. After the collapse of the Ferozepore enterprise and the decision to attack the Military guard at Doraha Bridge, the witness, accused and others leave from the Cantonment Station for Jitwal and elsewhere. On the 21st, the accused says that he is ill; but will follow to Doraha; and late, at Ludhiana, the witness tells accused how that enterprise also came to be abandoned; and accused leaves with Channan Singh and accused Ishar Singh for Kaile, telling the witness to enquire for him there.

This witness admits that subsequently, he was employed by the Police to ascertain the whereabouts of this accused; but we would reiterate our impression that it would have required an almost superhuman intelligence to have *invented* such detailed statements for the different approvers and witnesses making them dovetail into each other in such quantities of places.

It was only to be supposed that this witness, being of accused's own village, would be subjected to strict cross-examination (a portion of which the accused wished to conduct himself); and let us see the result. A portion of it appeared to be mere fishing for information on vague questions; and we learn that Gujar Singh is *lambardar* of the witness' *patti*; that one Attru was

once his neighbour, but that he does not know one Joti. That accused left Hans in January 1915, because the Police wanted to arrest him. Questioned in detail as to his journeyings with this accused, the witness was able to describe different routes traversed. The witness absolutely denies (*vide* page 213, near the bottom, for details) having asked accused to lend him money to repay loans advanced by British authorities in connection with his own travels; and he tells us that his father repaid through a *Tahsildar* monies advanced by a British Consul in connection with a passage. He knows of no dispute between his and accused's *patti*; nor of any case between accused and one Kanbu or Sundar. At the bottom of page 213, we find a brief re-examination in regard to certain dates.

Approver Arjan Singh's statement is very brief. He simply says that this accused, whom he did not know before, came with accused Ishar Singh (whom, of course, the witness knew very well), and told him to be ready for a rising. Accused had an 8-chambered revolver with him (page 201).

Approver Amar Singh II corroborates that accused (armed with a revolver) was present at the assembly on June 5th at Kapurthala for an attack on the Magazine. Cross-examined (page 242), he says that he did not actually see the revolver, but that accused told Buta Singh that he had it; and the witness also stated (in answer to Defence Counsel) that he had mentioned the revolver in his statement to the Magistrate. (This is correct; *vide* page 4 of the printed statement to the Magistrate; to whom he also gave a description of this accused). There was the usual attempt to make out that the witness, who says he only belonged to the *Ghadr* party for a very short time, must have met and observed accused whilst in custody in the *havilat*.

Approver Anokh Singh tells us that on February 14th-15th (the date is fixed with reference to the arrest of approver Mula Singh, which occurred on the 13th) at the Lahore *Ghadr* house (No. 1—the Mochi gate house) Kartar Singh of Saroba sent him to Dhundari to get news of this accused from accused Randhir Singh, and to give accused a sovereign. The witness, however, finds that accused has left for Amritsar. On the 19th February accused arrives at Ferozepore with Randhir Singh's party (corroborative evidence); and the witness at this point tells us that he only then knew accused by name; but that he was pointed out to witness by approver Udham Singh of Hans. He also gives corroborative evidence by stating that, after the failure at Ferozepore, this accused and accused Gandha Singh suggested the attack on Doraha Bridge for arms (with a view to a future attack on Ferozepore); and that, on the night of the 21st February, at the assembly for the abortive attack at Doraha, Gandha Singh regretted the absence of this accused (compare Udham Singh of Hans as to accused's absence on account of illness). The cross-examination of the witness merely elicited that when sent by Kartar Singh to Dhundari, he did not know accused, nor his village.

P. W. 60 (page 225) is Nirbhai Singh, a student of the Khalsa School at Jullundur. He is the student mentioned by Udham Singh of Hans (whom he pointed out in Court as having been a fellow-student), to whom accused preached sedition. He says that accused also spoke to other youths about *Ghadr*. He had never seen accused before; and failed to identify him on Jail parade. He learnt his name from Udham Singh.

Approver Narain Singh tells us that accused was one of those who assembled at Kishan Das *sadh's*, and took part in the Rabhon dacoity. He did not know accused before; could not identify him; and only *heard* from Sewa Singh (an absconder in the L. C. C.) that accused had a pistol. This does not look much like tutoring; and in cross-examination this witness asserts that the accused was called "Uttam Singh" *not* "Ragho"—which point is important.

P. W. 317 Ichhar Singh states that Buta Singh (since hanged) told him that this accused sent him *Ghadr* newspapers from America (we have seen how other witnesses have mentioned this accused in association with

Buta Singh). He mentions Nand Singh of Kaile (L. C. C.—another associate of accused, according to the testimony of other witnesses) bringing accused to him at Raikot; and he says that accused visited him, saying that he was absconding because of the Police. He says that at a meeting at his house on the day following the Lohatbadi School meeting of the 8th *Magh*, accused spoke *Ghadr*, and displayed what the witness calls a 7-chambered automatic pistol. He mentions accused in the company of Nidhan Singh; says that accused sent Rs. 150 towards the purchase of 2 guns; and that accused left with him a pistol like *Exh. P. 73 A.* which the witness afterwards made over to the Jhaner dacoits. He thinks (but is not certain) that accused was present 2 days before the Rabhon dacoity (which took place on February 3rd) when Nidhan Singh was asked to make bombs (compare approver Udham Singh of Hans; and his date, February 1st). He also gives evidence in corroboration of the episode concerned with Gandha Singh, Nidhan Singh, this accused and the Rs. 1,000 for the Amritsar *Ghadr* Committee; and concludes by saying that he, Udham Singh of Hans, accused and others (named) agreed that certain alleged "traitors" ought to be killed. Cross-examined he says that he only once went to accused's village Hans—8 years ago. He never saw any copy of the *Ghadr* alleged by Buta Singh to have been sent him by accused. He could not identify accused on Jail parade because his eyes were bad" (but see the evidence of Major Ward Superintendent of Lahore Central Jail and Mr. Scott, at page 38 *re* this assertion). He says that it was Buta Singh who brought the Rs. 150 as coming from accused; and that the pistol was left with him less than a week before the Jhaner dacoity. He *does not think* that the accused and Udham Singh approver ever visited him *together* (Udham Singh says they did—at the time when accused introduced him).

P. W. 234 is the witness who keeps a *sharbat*-shop at Hoti Mardan. He identified accused on Jail parade and in Court (when challenged by Defence Counsel) as one of the men who towards the end of June 1915 (*i. e.*, after the hue and cry which followed the Kapurthala meetings and the attack on Walla Bridge) were in Mardan anxious to get across the border.

P. W.'s 61 to 64 inclusive, and 220 are concerned with the arrest of this accused along with accused Ishar Singh in Faridkot State territory. They were arrested together on September 19th, 1915; and our remarks in accused Ishar Singh's case will apply to this case. They had been lurking at a *sadh's kotha* on the outskirts of a village; and their conduct had aroused suspicion. We see no reason whatever for doubting the evidence that, when arrested, they started singing seditious songs, and regretted not having had weapons with them; nor the evidence as to the search of the *kotha*, and the finding of the revolver, automatic pistol, cartridges, etc, therein (*Exhs. P. 73 A. B, 74, 75,* and *fard baramdagi* 76.)

Lastly, for the prosecution, we should notice the evidence of P. W. 347, Inspector Ahmad Khan, *re* the slip of paper found in Lahore *Ghadr* house No. 2; following the Police raid of the 19th February 1915. The slip of paper (*Ex. P.* 237) has been proved to our satisfaction to be in the handwriting of the arch-conspirator Rash Behari Bose; and we adopt, *mutatis mutandis*, our remarks on the point from the case of accused Randhir Singh. Our remarks, are, of course, only conjectural; but it is certainly noteworthy that on the slip of paper the name "Uttom" is written next to the name "Randhir"; and that both this accused and accused Randhir Singh are alleged to have been at the Ferozepore assembly on the 19th February. It is also possible, but a conjecture, that this is one reason why the accused is so anxious to deny that he has ever been known as "Uttam Singh." The accused is also implicated in the confessions of two co-accused Nos. 62 and 64.

Accused No 62 stated in his confession that he came to know accused on board ship, and after arrival in India was frequently visited by him and accused 32 who told him they had several regiments on their side and would soon drive out the British.

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He also mentioned meeting Uttam Singh after the Kapurthala gathering of 5th June, the accused explaining why the enterprise had failed, telling him also of 8 men having gone to the Walla Bridge to seize arms, and fixing the 12th for another attempt at Kapurthala.

Accused 64 in his confession also refers to this latter visit.

Accused's statement is recorded on page 542 of the record He admits returning to India; as he says, because he could get no work to do.

To all the allegations against him he returns a direct negative, and asserts that the Uttam Singh of Hans required is a totally different person of another Hans; and that he himself is not and never has been called Uttam Singh, his real name being Ragho Singh. He admits being arrested in Faridkot State in company of accused 32; but denies the story of the prosecution in regard to the revolvers found, and says he left his village, notwithstanding a restriction order, and ran away to Faridkot because he feared that, being a returned emigrant, he would be seized and would disappear from view. He further contests the fairness of the identifications, and asserts that on his arrival in his village the police were satisfied he was Ragho Singh, and not wanted.

He has produced certain exhibits. D. 51 consists of a number of counterfoils of cheques drawn in the name of Ragho Singh, in Canada; and a *khasra gardawari* of 1914-15 showing the name Ragho.

D. 50 is a copy of a judgment showing accused was charged in a case in which one *Mussammat* Heno, said to be a relative of Udham Singh witness, was complainant.

D. 64 is a judicial record put in to show that accused 30, sister's son of accused, was an enemy of Udham Singh, witness.

He has produced or examined 49 witnesses produced by other accused.

Witness 351 merely shows that Bhola, a witness in the case referred to in D 64, was a relation of Udham Singh.

Witnesses 756, 758, 759, 760, 761, 763, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 776, 777—780, 787, 788, 790, 791 depose that either accused has always been known in his village as Ragho Singh, or left his village for fear of internment, or was involved in the case to which D. 50 refers, or never left his village till he bolted through fear.

D. W. 757 (S. I. P. Muhammad Ibrahim) merely shows accused was in his village on one occasion in Janury 1915, when he was there. The witnesses 782—786, 799 deny the story of the recovery of a revolver on his arrest; and witnesses 1017-1018 say that on Jail parade the identification parade was not fair.

The Counsel for Defence has practically confined himself to a very able argument as to the identity of the accused; and urges that whereas the man really wanted has always been known in America and India as Uttam Singh, his client has always been Ragho Singh; and also urges that the Uttam Singh of Hans required is an Uttam Singh, who returned on the *Tosha Maru*.

We can dispose of the latter matter very easily. No doubt the complainant was under the impression that the Uttam Singh of Hans, who committed all the acts alleged, came on the *Tosha Maru*, for the reason that the passenger list of that ship contained such a name; but not a single witness has ever said that the man before us came on the *Tosha Maru*; and we now know from the C. I. D. lists that the Uttam Singh, who came on the *Tosha Maru*, was interned long before the acts with which accused is charged in India were committed.

Counsel presses on us the defence evidence from accused's village, and maintains the prosecution witnesses have substituted his client for the real man. He particularly urges that P. W. 226 has not identified him, that Sundar Singh and Udham Singh assign him to a different gang in Feroze-

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pore and afterwards, that Ichra Singh did not identify him on Jail parade and remembered his name in Court with difficulty; and urges that Ichra Singh says he saw him in Raikote in December, when the defence maintain accused never left his village; and also that Narain Singh does not mention seeing him in Lohatbadi prior to the dacoity, and that Bhagat Singh's Jail identification was bad.

In regard to these points there is no real force in them; there was after all only one ultimate gang in Ferozepore, and in a large mob one man sees another at one moment, and another at another; Ichra Singh on Jail parade was not particularly anxious to identify anyone, and Narain Singh did not see him at Lohatbadi before the dacoity, for the simple reason he himself did not go to the *Dharmsala*; and as to Raikote the evidence is overwhelming that Uttam Singh did go there on the 30th December.

The very fact that the *Tosha Maru* Uttam Singh of Hans was interned long ago cuts the ground from under accused's feet—there is no other Uttam Singh known.

We have carefully checked all the prior statements, and find that from the start the Uttam Singh wanted is commonly spoken of as "Uttam Singh, who is known in his village as Ragho Singh;" and that the Uttam Singh required was a constant associate of Kishen Singh on boardship; and that Kishen Singh accused, on our question in Court, has admitted as of his own Hans.

The Government Advocate, considering his case overwhelming addressed us very briefly; and urged that the death penalty should be inflicted on this man, pointing out also that it is probable that, though the accused's ordinary name is Ragho Singh, his *Tat Khalsa* name would be different, and mentions that Uttam Singh is his *Tat Khalsa* name.

We are perfectly satisfied this accused is the Uttam Singh required; we cannot doubt the evidence of identification, which is to us over-whelming, and there is nothing more to be discussed.

We are satisfied that accused came to India to subvert Government; that on arrival he early got in touch with the Lohatbadi revolutionists, and participated in the Jhaner dacoity. We are also satisfied that he assisted in procuring arms and ammunition in Lohatbadi, and in making bombs; that he was present at the Gujarwal secret meeting, and took part in the Ferozepore raid; and we think the name "Uttom" found in Rash Behari Bose's slip refers to this man.

We are satisfied also that, thereafter, he got into touch with the Dhudike revolutionists and was present at the Kapurthala gathering on 5th June, when the Walla Bridge attack was decided upon and the murders there thereby abetted, and that he absconded fearing arrest for his crimes, and was caught in Faridkot State, having arms in the house occupied by him.

It is unnecessary to recapitulate his other activities; the major ones suffice.

We find him guilty under sections 121, 395, 302/109 of the Indian Penal Code and sentence him to be hanged by the neck till he be dead, and we further direct that his property, liable to forfeiture, be forfeited to Government.

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100. Wasakha Singh, son of Isiar Singh, of Dadher, Police Station Sirhali, District Amritsar, aged 32 :—

This accused, who pleaded "Not Guilty" to the chargesframed against him (page 693), arrived in Calcutta by the *s.s. Nam Sang* from Shanghai *vid* Hong Kong on the 13th October 1914. He was arrested on the 12th September 1915.

We shall have later to consider in connection with his case the confessions of certain co-accused.

He was identified on Jail parades by approvers Sundar Singh (W. G.) and Natha Singh, and P. W. Surain Singh (who called him Narain Singh, and said he had seen him at Dadher). The same three persons identified him in Court: and approver Kala Singh failed to do so, saying with regard to certain accused that he had failed because they were not well dressed, but that their names were well known at the Jhar Sahib.

Approver Sundar Singh (W. G.), who spoke of accused as "from America," says that he saw him on October 13th and 14th in accused Gujar Singh's party at Howrah Station: and on about the 17th at Nanak Singh's *chaubara* in Amritsar, where accused belonged to Gujar Singh's *Dewali* party. Accused (he says) was detailed by Gujar Singh to be leader of the Patti side of the *Manjha*, and to inform people of the date for a rising. The witness later is sent by Balwant Singh absconder to tell accused to get men ready for the rising: and delivers the message. Accused is named to the witness by accused 85 Sundar Singh as a leader in a committee which fixed November 15th as a date; and is at Tarn Taran *Masya* asking about the date, and on *Masya* day when it is decided to meet at the Jhar Sahib. He attends the first meeting there; says that Gujar Singh has been arrested, and that the Malwa and Doaba people cannot attend; and suggests sending two men to tell them that November 23rd has been fixed. He is present at the gathering on that date; and goes with the witness next day to his village Dadher, and on to Chola to meet a "cavalry man"; and meets him at the *haveli* of one Mohain Singh. (This "cavalry man" was accused Sucha Singh of the 23rd Cavalry). The accused tells Sucha Singh that November 26th has been fixed; and that he should take a copy of the "*Ghadr-di-Gunj*" to read to the men in his regiment. On the evening of the 26th accused at the Jhar Sahib suggests attacking Sarhali and Patti Police stations, and then looting Tarn Taran Treasury. This witness (who certainly does not appear biassed in any way, and who was not cross-examined) did not try to implicate accused as present at the Khairon assembly; he says frankly that he did not see him there.

Approver Natha Singh also says that accused Budha Singh and Channan Singh named this accused as one of the Amritsar *Dewali* "committee"; and that Budha Singh and accused Sadhu Singh also named him as one of the principal men to be at the proposed *Masya* meeting at Tarn Taran. The witness corroborates that accused was at the Jhar Sahib gathering of November 26th, and says that he was also at the house of Lal Singh of Bhure (L. C. C.) prior to that gathering. This witness at first omitted accused's name from both the Jhar Sahib and Khairon lists; but later stated that accused was both at Jhar Sahib and Khairon, when the Court put him the question "How many Dadher men were at Khairon?" There was a somewhat similar doubt about the witness' recollection as to whether this accused was one of those who went on to Dhun (following the Khairon gathering); and in cross-examination the witness (page 103) admitted that accused did not accompany him to Dhun.

We think there can be no doubt that accused did *not* attend the Khairon gathering; and the explanation for his absence therefrom is given by the next witness Surain Singh.

P. W. 21 Surain Singh speaks of accused Sucha Singh of his Regiment going on leave, and returning with information got from this accused about dates. On the 29th November, the witness and his fellow-deserters from the 23rd Cavalry meet accused at Dadher, who tells them that he

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actually started for Khairon to join in a rising, but returned home on account of feeling ill. The accused agrees to go on with them to the Jhar Sahib; but on the morning of the 30th does not turn up. Cross-examined (page 138) the witness says that Sucha Singh told him that accused was a *Ghadr* leader, and showed him accused's *haveli* of which the witness was able to give some description to us.

P. W. 185 (son of Lal Singh of Bhure) was cross-examined; and said that he never saw accused visiting his father. However, it is not to be supposed that the witness remained at home throughout each day continuously; and there appears no reason why approver Natha Singh should have invented his assertion.

This accused is mentioned in the confessions of co-accused No. 49, Labh Singh, Teja Singh of Bhikewind, and Thakar Singh of Thatian. The first mentions him as at Khairon assembly and the Sarhali attempt; and the second as at a Jhar Sahib assembly. Thakar Singh of Thatian stated that he met accused at the *Dewali* fair at Amritsar; and was told there by accused Gujar Singh that this accused had been made "our officer," by whom orders would be issued. He then enquired from accused, and was told that he would be informed when his services were required. Some time afterwards this accused and approver Sundar Singh (W. G.) came to his village; and persuaded him (by reminding him of how his passage-moneyhad been paid) togo to the Jhar Sahib.

Accused's statement before us will be found at page 547. He says he returned to India at his brother's request because of his uncle Kesar Singh's death. He denies the allegations against him; and denies even knowing co-accused Gujar Singh. He never even heard of the Jhar Sahib; and does not know the two *sowar* deserters, accused Sucha Singh and Maharaj Singh; nor the approver, Kala Singh, nor P. W. Surain Singh. He says that he has a brother at the front, and is ready to serve himself. He (like many other accused) drags in the story of Natha Singh and the *Mirasan*; and says that approver Sundar Singh (W. G.), identified him at the suggestion of the Police.

Exh. D. 68 (*khasra girdawari* of 1915) has been put in to show that accused settled down to his ordinary occupation as an agriculturist. We understood from his counsel in arguments that this was really put in only in extenuation—to show that the accused had, at least, relinquished former ideas, since it does not purport to show what he was doing at the end of 1914. *Exh. D.* 69, copies of entries in the Civil Surgeon's Register, was put in to show that accused was treated at a hospital for *chavi* injuries, alleged for the defence to have been inflicted by Dari, the bad character who, it was intended, should get the Sarhali *Thana* door opened.

The defence witnesses are D. W.'s 488 to 491 inclusive; 521 to 529 inclusive; and 830 to 833 inclusive. The first batch are as to character, and as to accused's return on account of his uncle's death. The next batch are to the same effect; and say that accused used not to leave his village. Some of them repeat the allegation about Natha Singh and the *Mirasan*, but they suggest no special reason why he should bear enmity to this accused. D. W. 523 asserts that it was Dari who injured accused with a *chavi*; and says that at the time Dari belonged to the party of Lal Singh of Bhure (the suggestion, of course, being that accused could not have visited Lal Singh's house). One of the witnesses in this batch, and two in the next, were defence witnesses in the Lahore Conspiracy Case. The last batch attempt to support as to Dari's enmity; but D. W. 830 says the fight took place 10 *years ago*. Some of the defence witnesses assert that accused has no *haveli* or *deorhi*, only a roofed-room; this being a counter-blast to P. W. Surain Singh, who gave us some description of accused's habitation. D. W. 830 stated that accused once put Natha Singh approver's cattle in the pound; but accused himself said nothing about this, nor was Natha Singh cross-examined about it.

Accused's Counsel, naturally, could advance but little for client in arguments. He has urged that accused's name is not in the Khairon note-book; but approver Sundar Singh distinctly says he did not see him there.

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Natha Singh seemed to us doubtful about it, and P. W. Surain Singh says that accused told him that illness prevented his going there. Only one co-accused has mentioned him as at Khairon, and that confession will certainly not be pressed. Defence Counsel has reasonably argued that there is nothing to show that accused took part in the activities of the Dadher group of revolutionists in January-February 1915, and we think it quite possible that by that time he had become tired of the whole affair. There is, in our opinion no good proof that he returned to India simply for *Ghadr* purposes ; but we see no reason to doubt the evidence that for some time after his return to India (possibly, having imbibed *Ghadr* doctrines on the ship) he was a revolutionist gang-leader; and Crown Counsel has urged that part of his work was the seduction of soldiers from their allegiance, and we think the contention has some force, in view of the evidence of Surain Singh and Sundar Singh W. G.

Though we do not press against the accused his journeying on the *Nam Sang ;* his other activities, particularly his being a gang-leader, going to the Jhar Sahib, and interviewing Sucha Singh ; show he was an abettor ; and we find him guilty, under section 121, Indian Penal Code, of abetment of the waging of war, but as he abandoned the movement very soon, and kept aloof from the Dadher revolutionists in January-February, we recommend him to mercy.

We also direct that his property, liable to forfeiture, be forfeited to the Crown, but recommend that the order should not be enforced.

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Having now completed the individual cases we have only to add one remark.

We are convinced that all the accused whom we have convicted under Sections 121, 121 A, Indian Penal Code, could not, while committing the acts for which they have been convicted, have been other than cognizant of the fact that they were ultimately aiming at subverting Government, an aim to which their actions were ancillary.

We also attach for convenience of reference, a schedule showing the result in regard to each person still before us.

SCHEDULE OF RESULT.

No.	Name.	Convicted under section.	Sentence or acquittal.
2	Arjan Singh ...	121 A, $\frac{302}{109}$, 121, I.P.C. ...	Transportation for life.
*3	Attar Singh ...	121, 121 A ,, ...	Ditto.
*5	Bogh Singh ...	121, 121 A ,, ...	Ditto.
6	Bir Singh ...	121, 396, 302—109 ,, ...	Death.
7	Bishen Singh ...	121, 395—109 ,, ...	Transportation for life.
8	Budha Singh ...	121 ,, ...	Ditto.
~~9~~	~~Chanda Singh~~ ...	...	Acquitted.
*10	Dalep Singh ...	121 ,, ...	Transportation for life.
~~12~~	~~Dhan Singh~~ ...	...	Acquitted.
~~13~~	~~Dharm Singh~~ ...	...	Do.
*14	Ganda Singh ...	121 ,, ...	Transportation for life.
15	Ganda Singh ...	121 ,, ...	Ditto.
16	Ganda Singh ...	...	Acquitted.
18	Gujar Singh ...	121 ,, ...	Transportation for life.
*19	Harbhajan Singh ...	121 ,, ...	Ditto.
21	Hari Singh ...	...	Acquitted.
22	Hari Singh ...	121 ,, ...	Transportation for life.
23	Harnam Singh ...	121 ,, ...	Ditto.
24	Harnam Singh ...	121 ,, ...	Ditto.
26	Harnam Singh ...	121, 121 A, 131 ,, ...	Ditto.
28	Hira Singh ...	121, 121 A, 131 ,, ...	Death.
~~29~~	~~Ijaib Singh~~ ...	...	Acquitted.
30	Inder Singh ...	121 ,, ...	Transportation for life.
32	Ishar Singh ...	121, 302—109, 121 A ,, ...	Death.
*33	Jagat Singh ...	121 ,, ...	Transportation for life.
34	Jammu ...	202 ,, ...	Six months' rigorous imprisonment.
35	Jassa Singh ...	121 A, 124 A ,, ...	Ditto.
*37	Inder Singh ...	121 ,, ...	Transportation for life.
38	Kahan Singh ...	124 A ,, ...	Four year's rigorous imprisonment.
~~40~~	~~Karm Chand~~ ...	...	Acquitted.
41	Karm Singh ...	121, 395 ,, ...	Transportation for life.
42	Kartar Singh ...	121 ,, ...	Ditto
*45	Kesar Singh ...	121 ,, ...	Ditto.
46	Kirpa Singh ...	121, 131, ,, ...	Ditto.
48	Labh Singh ...	121, 121 A, 131 ,, ...	Ditto.
*49	Labh Singh ...	121 ,, ...	Ditto.
*50	Lal Singh ...	121 ,, ...	Ditto.
~~51~~	~~Maghar Singh~~ ...	...	Acquitted.
52	Maharaj Singh ...	121 ,, ...	Transportation for life.
53	Mahendar Singh ...	121 A ,, ...	Three years' rigorous imprisonment.
*54	Mahendar Singh ...	121, 121 A ,, ...	Transportation for life.
~~55~~	~~Mangl Singh~~ ...	...	Acquitted.
*56	Mangl Singh ...	121 ,, ...	Transportation for life.
*58	Mastan Singh ...	121 ,, ...	Ditto.
*59	Nahar Singh ...	121, 121 A ,, ...	Ditto
*61	Nathu Dhun ...	121 ,, ...	Ditto.
62	Pakhar Singh ...	121 ,, ...	Ditto.

Those marked* are recommended for mercy.

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No.	Name.	Convicted under section.	Sentence or acquittal.
63	Pala Singh ...	121 A, I. P. C. ...	Three years' rigorous imprisonment.
*64	Pala Singh ...	121 „ ...	Transportation for life.
65	Phera Singh ...	121 A „ ...	Two years' rigorous imprisonment.
66	Phumman Singh ...	...	Acquitted.
*68	Ram Singh ...	121 „ ...	Transportation of life.
69	Randhir Singh ...	121 A, 121 „ ...	Ditto.
70	Ranga Singh ...	121, 302—109 „ ...	Death.
72	Rur Singh ...	121, 302 ...	Do.
73	Sadhu Singh ...	...	Acquitted.
74	Sajjan Singh ...	121, 131 „ ...	Transportation for life.
75	Sama Singh ...	...	Acquitted.
*77	Santa Singh ...	121 „ ...	Transportation for life.
78	Sarwan Singh ...	...	Acquitted.
80	Sham Singh ...	121 A „ ...	Three years' rigorous imprisonment.
81	Sher Singh ...	121 A, 124 A „ ...	One year's rigorous imprisonment.
82	Sucha Singh ...	121, 131 „ ...	Transportation for life.
*84	Sultan Shah ...	121 „ ...	Ditto.
85	Sundar Singh ...	121 „ ...	Ditto.
*88	Suga Singh ...	121 „ ...	Ditto.
*89	Surjan Singh ...	121 „ ...	Ditto.
*90	Teja Singh ...	...	Ditto.
91	Teja Singh ...	...	Acquitted.
*93	Thakur Singh ...	121 „ ...	Transportation for life.
*94	Thakur Singh ...	...	Acquitted.
96	Udham Singh ...	121 „ ...	Transportation for life.
98	Uttam Singh ...	121, 395, 302/109 „ ...	Death.
*100	Wasakha Singh ...	121 „ ...	Transportation for life.

Those marked * are recommended for mercy.

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SUPPLEMENTARY.

The judgment being concluded our first duty is to pass an order of discharge under Section 337, Code of Criminal Procedure, in regard to all the approvers, *viz* :—

Anokh Singh, Arjan Singh, Bachan Singh, Balwant Singh, Bhagat Singh, Ganda Singh, Kala Singh, Mul Singh, *Granthi*, Nand Singh, Natha Singh, Puran Singh, Sundar Singh (Asa Majri), Sundar Singh (Wadali Guru), Surain Singh, Teja Singh, Udham Singh and Wasawa Singh. No order of discharge is necessary in regard to the approvers who are common to this and the last case; they having been discharged on the conclusion of the former case.

Our second duty is to record our appreciation of services variously rendered in the investigation and conduct of the case.

We do not profess to say who has done best; and we do not think it necessary to mention those to whom we referred in the last case.

Of police officers who, each in their own way, have done good service, we would mention Sardar Harkishen Singh, Sardar Suchet Singh (Kapurthala), Inspector Iqram-ul-Haqq, Sub-Inspector of Police Kishen Singh (Faridkot), Head Constable Gurdit Singh (Faridkot), Police Constable Mahan Singh (Kapurthala), Inspector Muzaffar Khan (Mardan), Circle Inspector of Police Dhanpat Rai, Sub-Inspector of Police Teja Singh, Sub-Inspector of Police Syad Ijaz Hussain, Head Constable Hakim Singh, Inspector Shabir Hussain, Inspector Shaikh Abdul Aziz, Sub-Inspector of Police Jagat Singh, Inspector Aziz-ud-din, Head Constable Muhammad Sadiq and Sub-Inspector of Police Sodhi Inder Singh (Calcutta).

Of the general public we desire to record our appreciation of the actions of Sham Singh (witness 62), Anokh Singh (witness 63), Harnam Singh (witness 56), Bhola Singh (witness 59), Mahant Kirpa Singh (witness 133), Nirbhai Singh (witness 60), Sundar Singh (witness 65), Harnama (witness 66), Kundan Singh (witness 139), Sardar Ali (witness 172) and Rassaldar-Major Bahadur Singh (witness 238).

We make no reference to any of the Gazetted Officers who have conducted the investigation, for the reason that they themselves have preferred to give those working under them the full credit for the work done.

We wish to express our indebtedness to Mr. Green, Sergeant, Mohammad Afzal, Sub-Inspector of Police, Devi Dial, Sub-Inspector of Police, and Muhammad Alam Khan, Sub-Inspector of Police, who have been in charge of the prisoners before us throughout this trial, and who have performed arduous and trying duties with tact and smoothness.

We have also to thank the official reporter for his careful reports, the Government Press for the work of printing our records, done with speed and accuracy, the Jailor, who has done much for our comfort, and the whole of our office staff—and particularly our reader; who, without exception, have laboured hard and cheerfully for the eleven months we have been engaged on these cases. Without the very efficient assistance given us by our staff, our toil would have been considerably increased. Lastly, we have to again thank the Government Advocate, who has been ably assisted by Mr. Taj-ud-din and Mr. Ram Lal, for the very great skill and care with which the case has been prepared and presented to us, and the Counsel for Defence who have discharged the arduous duty of defending the prisoners.

Judgment pronounced. The accused have been informed that they will receive copies of the judgment; and that they should file their petitions, if any, within eighteen (18) days from this date.

A. A. IRVINE,
President of the Commission.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Arjan Singh, No. 2, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetting the waging of war, abetment of murder and conspiracy to wage war, and has thereby committed offences punishable under section $\frac{121\text{ A}}{\frac{121}{302\text{-}109}}$, of Indian Penal Code, and the Court directs that the said Arjan Singh be transported for life.

A. A. IRVINE,
The 30th March 1916. *President of the Commission.*

T. P. ELLIS,
The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,
The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Attar Singh, No. 3, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiring to wage and waging war, and have thereby committed offences punishable under section $\frac{121\text{ A}}{121}$ of Indian Penal Code, and the Court directs that the said Attar Singh be transported for life.

A. A. IRVINE,
The 30th March 1916. *President of the Commission,*

T. P. ELLIS,
The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,
The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Bogh Singh, No. 5, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage and abetment of waging war, and has thereby committed offences punishable

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under section $\frac{121}{121\text{ A}}$ of Indian Penal Code, and the Court directs that the said Bogh Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner,*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioner under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Bir Singh, No. 6, is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war, dacoity with murder and abetment of murder, and has thereby committed offences punishable under sections, $\frac{121}{396}\ \frac{302}{109}$ of Indian Penal Code, and the Court directs that the said Bir Singh be hanged by the neck till he is dead.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Bishen Singh, No. 7, is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war, abetment of waging war and abetment of dacoity, and has thereby committed offences punishable under sections $\frac{121\ \&\ 395}{109}$ of Indian Penal Code, and the Court directs that the said Bishen Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

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THE Court finds that Budha Singh, No. 8, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and

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has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Budha Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916 *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915,

THE CROWN

versus

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THE Court finds that Chanda Singh, No. 9, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Chanda Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.,

THE Court finds that Dalip Singh, No. 10, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Dalip Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Dhan Singh, No. 12, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging

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war and has committed no offence punishable under the Indian Penal Code, and the Court directs that the said Dhan Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Dharam Singh, No. 13, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has committed no offence punishable under the Indian Penal Code, and the Court directs that the said Dharam Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Ganda Singh, No. 14, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Ganda Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Ganda Singh, *alias* Sangat Singh, No. 15, is guilty of the offence specified in the charge, namely, that he has committed the

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offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Ganda Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN.

versus

AMAR SINGH, &c.

THE Court finds that Ganda Singh, No. 16, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Ganda Singh be acquitted.

A. A. IRVINE,
President of the Commission.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN.

versus

AMAR SINGH, &c.

THE Court finds that Gujar Singh, No. 18, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetting the waging of war and waging war, and has thereby committed offences punishable under section 121 of Indian Penal Code, and the Court directs that the said Gujar Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30th March 1916.

T. P. ELLIS,
Special Commissioner.

The 30th March 1916.

SHEO NARAIN,
Special Commissioner.

The 30th March 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Harbhajan Singh, *alias* Bakhtawar Singh, No. 19 is guilty of the offence specified in the charge, namely, that he has committed

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the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Harbhajan Singh be transported for life.

A. A. IRVINE,
The 30th March 1916. *President of the Commission.*
T. P. ELLIS,
The 30th March 1916. *Special Commissioner.*
SHEO NARAIN,
The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Hari Singh, No. 21, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Hari Singh be acquitted.

A. A. IRVINE,
The 30th March 1916. *President of the Commission.*
T. P. ELLIS,
The 30th March 1916. *Special Commissioner.*
SHEO NARAIN,
The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Hari Singh, No. 22, is guilty of the offence specified in the charge, namely, that he has committed the offence of abetting the waging of war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Hari Singh be transported for life.

A. A. IRVINE,
The 30th March 1916. *President of the Commission.*
T. P. ELLIS,
The 30th March 1916. *Special Commissioner.*
SHEO NARAIN,
The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Harnam Singh, No. 23, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging

NATIONAL ARCHIVES OF INDIA

war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Harnam Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN,
Special Commissioner.

The 30*th March* 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Harnam Singh, No. 24, is guilty of the offences specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Harnam Singh be transported for life.

A. A. IRVINE,
resident of the Commission.

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN.
Special Commissioner.

The 30*th March* 1916.

In the Court of the Special Commissioners under Act IV of 1915.

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versus

AMAR SINGH, &c.

THE Court finds that Harnam Singh, No. 26, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage war, abetment of waging w ar and abetment of mutiny, and has thereby committed offences punishable under sections $\frac{121}{121\text{ A}}_{131}$ of Indian Penal Code, and the Court directs that the said Harnam Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN,
Special Commissioner.

The 30*th March* 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Hira Singh, No. 28, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to

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wage war, abetment of waging war and abetment of mutiny, and has thereby committed offences punishable under section $\frac{121}{121\text{-A}}$ of Indian Penal Code, and the Court directs that the said Hira Singh be hanged by the neck till he is dead.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Ijaib Singh, No. 29, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has committed no offence punishable under the Indian Penal Code, and the Court directs that the said Ijaib Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Indar Singh, No. 30, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Indar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

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In the Court of the Special Commissioners under Act IV of 1915.

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AMAR SINGH, &c.

THE Court finds that Ishar Singh, No. 32, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage war, waging war, and abetment of murder, and has thereby committed offences punishable under section $\frac{121}{121\text{ A}}{}_{302\text{-}109}$ of Indian Penal Code, and the Court directs that the said Ishar Singh be hanged by the neck until he be dead.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

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THE Court finds that Jagat Singh, No. 33, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Jagat Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Jammu, No. 34, is guilty of the offence specified in the charge, namely, that he has committed the offence of omitting to give notice of an offence, and has thereby committed an offence punishable under section 202 of Indian Penal Code, and the Court directs that the said Jammu be sentenced to 6 months' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

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The Court finds that Jessa Singh, No. 35, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage war and sedition, and has thereby committed offences punishable under section $\frac{121 \text{ A}}{124 \text{ A}}$ of Indian Penal Code, and the Court directs that the said Jessa Singh be sentenced to 6 months' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Jindar Singh *alias* Rajindar Singh, No. 37, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code , and the Court directs that the said Jindar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Kahan Singh, No. 38, is guilty of the offence specified in the charge, namely, that he has committed the offence of sedition, and has thereby committed an offence punishable under section 124-A of Indian Penal Code, and the Court directs that the said Kahan Singh be sentenced to 4 years' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

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versus

AMAR SINGH, &c.

THE Court finds that Karam Chand, No. 40, is not guilty of the offence specified in the charge, namely, that he has committed an offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Karam Chand be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Karam Singh, No. 41 is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war and dacoity, and has thereby committed offences punishable under section $\frac{1}{3}\frac{2}{9}\frac{1}{5}$ of Indian Penal Code, and the Court directs that the said Karam Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Kartar Singh, No. 42, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetment of waging war and waging war, and has thereby committed offences punishable under section 121 of Indian Penal Code, and the Court directs that the said Kartar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

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versus

AMAR SINGH, &c.

THE Court finds that Kesar Singh, No. 45, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Kesar Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN,
Special Commissioner.

The 30*th March* 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

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AMAR SINGH, &c.

THE Court finds that Kirpa Singh, No. 46, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetment of war, abetment of mutiny and waging war, and has thereby committed offences punishable under Section $\frac{121}{131}$ of Indian Penal Code, and the Court directs that the said Kirpa Singh be transported for life.

A. A. IRVINE,
President of the Commission.

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN,
Special Commissioner.

The 30*th March* 1916.

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Labh Singh, No. 48, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiring to wage war, abetment of mutiny, abetment of waging war and waging war, and has thereby committed offences punishable under section $\frac{121\ A}{\frac{121}{131}}$ of Indian Penal Code, and the Court directs that the said Labh Singh be transported for life.

A. A. IRVINE,
President of the Commission

The 30*th March* 1916.

T. P. ELLIS,
Special Commissioner.

The 30*th March* 1916.

SHEO NARAIN,
Special Commissioner.

The 30*th March* 1916.

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Labh Singh, No. 49, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Labh Singh be transported for life.

A. A IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Lal Singh, No. 50, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Lal Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Maghar Singh, No. 51, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has committed no offence punishable under the Indian Penal Code, and the Court directs that the said Maghar Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30 hMarch 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Maharaj Singh, No. 52, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetment and attempt to wage war, and has thereby committed offences punishable under section 121-A of Indian Penal Code, and the Court directs that the said Maharaj Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Mahindar Singh, No. 53, is guilty of the offence specified in the charge, namely, that he has committed the offence of conspiracy to wage war, and has thereby committed an offence punishable under section 121-A of Indian Penal Code, and the Court directs that the said Mahindar Singh be sentenced to three years' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Mahindar Singh, No. 54, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage war, waging war and abetment of waging war, and has thereby committed offences punishable under section $\frac{121}{121\text{-A}}$ of Indian Penal Code, and the Court directs that the said Mahindar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

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NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Mangal Singh, No. 55, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Mangal Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Mangal Singh, No. 56, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Mangal Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Mastan Singh, No. 58, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Mastan Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1913. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Nahar Singh, No. 59, is guilty of the offences specified in the charge, namely, that he has committed the offences conspiring to wage war and waging war, and has thereby committed offences punishable under section $\frac{121}{121\text{-A}}$ of Indian Penal Code, and the Court directs that the said Nahar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Natha Singh, No. 61, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Natha Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Pakhar Singh, No. 62, is guilty of the offence specified in the charge, namely, that he has committed the offence of abetting the waging of war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Pakhar Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Pala Singh, No. 63, is guilty of the offence specified in the charge, namely, that he has committed the offence of conspiracy to wage war, and has thereby committed an offence punishable under section 121-A. of Indian Penal Code, and the Court directs that the said Pala Singh be sentenced to 3 years' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Pala Singh, No. 64, is guilty of the offence specified in the charge, namely, that he has committed the offence of abetment of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Pala Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissoners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Phera Singh, No. 65, is guilty of the offence specified in the charge, namely, that he has committed the offence of conspiracy to wage war, and has thereby committed an offence punishable under section 121-A. of Indian Penal Code, and the Court directs that the said Phera Singh be sentenced to 2 years' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Phuman Singh, No. 66, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Phuman Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Ram Singh, No. 68, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Ram Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Randhir Singh, No. 69, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiring to wage and waging war, and has thereby committed offences punishable under section $\frac{121\text{ A}}{121}$ of Indian Penal Code, and the Court directs that the said Randhir Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Range Singh *alias* Roda Singh, No. 70, is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war and abetment of murder, and has thereby committed offences punishable under section $\frac{121}{3.2\text{-}109}$ of Indian Penal Code, and the Court directs that the said Roda Singh *alias* Range Singh be hanged by the neck till he is dead.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Rur Singh, No. 72, is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war and murder, and has thereby committed offences punishable under section $\frac{121}{302}$ of Indian Penal Code, and the Court directs that the said Rur Singh be hanged by the neck till he is dead.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

The Court finds that Sadhu Singh, No. 73, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under the Indian Penal Code, and the Court directs that the said Sadhu Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sajjan Singh, No. 74, is guilty of the offences specified in the charge, namely, that he has committed the offences of abetting the waging of war and abetting mutiny, and has thereby committed offences punishable under section $\frac{121}{131}$ of Indian Penal Code, and the Court directs that the said Sajjan Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Samma Singh, No. 75, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Samma Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Santa Singh, No. 77, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Santa Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1616. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

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NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sarwan Singh, No. 78, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Sarwan Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sham Singh, No. 80, is guilty of the offence specified in the charge, namely, that he has committed the offence of conspiracy to wage war, and has thereby committed an offence punishable under section 121-A of Indian Penal Code, and the Court directs that the said Sham Singh be sentenced to three years' rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.,

THE Court finds that Sher Singh, No. 81, is guilty of the offences specified in the charge, namely, that he has committed the offences of conspiracy to wage war and sedition, and has thereby committed offences punishable under section $\frac{121\text{-A}}{124\text{-A}}$, Indian Penal Code, and the Court directs that the said Sher Singh be sentenced to one year's rigorous imprisonment.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sucha Singh, No. 82, is guilty of the offence specified in the charge, namely, that he has committed the offences of waging war and abetment of mutiny, and has thereby committed offences punishable under section $\frac{121}{131}$ of Indian Penal Code, and the Court directs that the said Sucha Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sultan Shah, No. 84, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Sultan Shah be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Sundar Singh, No. 85, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Sunder Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Suja Singh, No. 88, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Suja Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Surjan Singh, No. 89, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Surjan Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Teja Singh, No. 90, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Teja Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Teja Singh, No. 91, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Teja Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Thakar Singh, No. 93, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed an offence punishable under section 121 of Indian Pena. Code, and the Court directs that the said Thakar Singh be transported for lifel

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN,

versus

AMAR SINGH, &c.

THE Court finds that Thakar Singh, No. 94, is not guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed no offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Thakar Singh be acquitted.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Udham Singh, No. 96, is guilty of the offence specified in the charge, namely, that he has committed the offence of waging war, and has thereby committed and offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Udham Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Uttam Singh, No. 98, is guilty of the offences specified in the charge, namely, that he has committed the offences of waging war, dacoity and abetment of murder, and has thereby committed offences punishable under section $\frac{121}{395}$ of Indian Penal Code, and the Court directs that the said Uttam Singh be hanged by the neck till he is dead.

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A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

In the Court of the Special Commissioners under Act IV of 1915.

THE CROWN

versus

AMAR SINGH, &c.

THE Court finds that Wasakha Singh, No. 100, is guilty of the offence specified in the charge, namely, that he has committed the offence of abetment of waging war, and has thereby committed an offence punishable under section 121 of Indian Penal Code, and the Court directs that the said Wasakha Singh be transported for life.

A. A. IRVINE,

The 30th March 1916. *President of the Commission.*

T. P. ELLIS,

The 30th March 1916. *Special Commissioner.*

SHEO NARAIN,

The 30th March 1916. *Special Commissioner.*

NATIONAL ARCHIVES OF INDIA