

# ANTI-HINDI CASES IN HIGH COURT

## Petition For Quashing Proceedings Against Mr. C. N. Annadurai

### JUDGE ORDERS NOTICE TO THE CROWN

Madras, Aug. 6.

Before Mr. Justice V. Pandrang Rao, Mr. S. Muthia Mudaliar moved petitions for transferring and quashing the proceedings against Mr. C. N. Annadurai under Section 7 (1) of the Criminal Law Amendment Act for alleged offences in connection with the Anti-Hindi Movement on Tuesday last, (2-8-38.)

Mr. Muthia Mudaliar said that the accused was charged with abetting the commission of offences under the Criminal Law Amendment Act by making speeches, appealing to the public and inviting volunteers to come and loiter before the Prime Minister's residence.

The Judge: The reference, I think is to the "Tamilian Public."

Continuing, Mr. Muthia Mudaliar submitted that the Criminal Law Amendment Act was not intended to apply to offences such as those with which the petitioner was charged. Further, the Act was not in force in this province since there was no valid extending of the Act here. Under the Government of India Act, 1935 every act of Government was done by the Governor and not by Ministers. Ministers, he said, had no power to do anything except to advise the Governor.

The Judge: I suppose they can do what lies in their power.

Mr. Mudaliar: Nothing lies in their power; every act is that of the Governor.

His Lordship said that he failed to see any point in this contention. He could appreciate the point in the argument about the Act not being extended to this presidency.

Mr. Mudaliar: Any of these points will suffice for me.

The Judge: One application is quashing the proceedings and the other is for transfer?

Mr. Mudaliar: The former is the main petition: the later is only an alternative one.

The Judge: On what grounds do you want transfer?

Mr. Mudaliar: When difficult questions of law are involved—

The Judge: Presidency Magistrates are not competent to try them—is that your suggestion?

Mr. Mudaliar: I do not say so. All Magistrates are competent, but I submit...

The Judge: That the High Court is more competent? At that rate every case should be transferred to the High Court, they being, more competent. Is the Crown represented here?

Mr. E. Antony Lobo, appearing for the Crown Prosecutor, submitted that as far as the application for quashing was concerned, the Crown had not received notice. As for the transfer application,

Mr. Mudaliar: I do not press for transfer, my Lord.

The Judge: I dismiss it, then. About the other petition for quashing proceedings, let notice go to the other side.

Mr. Muthia Mudaliar, answering a question of His Lordship, submitted that by some mistake, stay was not applied for in the case.

The Judge: There seems to be lack of co-ordination in these

Mr. Mudaliar: The vakil who appeared in the Lower Court asked for adjournment on the ground that he wanted to move the High Court for transfer.

The Judge: If the idea was merely to get an adjournment, that is a different matter.

#### APPLICATION ON BEHALF OF MR. C. D. NAYAGAM

Mr. S. Muthia Mudaliar moved on behalf of Mr. C. D. Nayagam an application requesting the Court to quash or stay proceedings against the Petitioner pending before the Third Presidency Magistrate for offences under the Criminal Law Amendment in connection with the Anti-Hindi movement. Mr. Mudaliar moved an application for stay of proceedings in the Lower Court on Tuesday last (2-8-38).

Counsel mentioned that the case was posted for hearing the same afternoon before the Third Presidency Magistrate, and one hearing there might be stayed.

The Judge:—I think notice might go to the other side.

Counsel submitted that worry to the petitioner and loss of time in the Lower Court could be avoided if the matter was stayed pending a decision on the legal points involved.

The Judge:—The more legal argument that the Criminal Law Amendment Act has not been validly extended to this province is no sufficient ground for stay. Legal points could be gone into in appeal. It would however be a different matter if the petitioner contended that he would be put to disproportionate worry if stay was not granted.

Counsel submitted that about twelve witnesses would have to be summoned and examined for the defence and all this would mean loss of time and worry.

The Judge: It may be so, but it is not disproportionate. Every person undergoing a trial is exposed to a certain amount of worry—that cannot be helped.

His Lordship said he could not order stay 'ex parte' merely on the ground that certain legal points were involved.

Mr. E. Antony Lobo, appearing for the Crown Prosecutor, submitted in answer to a question by His Lordship that any date might be fixed by the Court.

His Lordship ordered notice to be issued to the other side and posted the hearing of the petitions to Friday the 5th inst.

#### Friday's Proceedings

When the petitions came up for hearing yesterday morning, Mr. E. Antony Lobo, appearing for the Crown Prosecutor, said that he had been instructed by the Crown Prosecutor who was engaged in the Sessions Court to represent to His Lordship that if it was possible to expedite the hearing of the criminal revision petition in about ten days' time, the Crown Prosecutor might have no objection to His Lordship granting stay.

His Lordship observed that the matter had been posted before a Bench for hearing. If he were to deal with the matter, he would say "post it next week or so." However, His Lordship said that that he would make a

note that it might be heard within a fortnight.

Mr. Antony Lobo said that various arrests were taking place almost daily, and that therefore, they should expedite the proceedings.

His Lordship observed that he had no objection to stay the proceedings, and eventually, passed an order granting the stay, and further directed that the petition should be posted for hearing in about ten days' time as both parties desired.

Mr. S. Muthia Mudaliar and Mr. S. G. Rangaramanujam assisted by Mr. O. V. Baluswamy and Mr. P. P. Selvaraj appeared for the petitioner.

Mr. E. Antony Lobo, for the Crown Prosecutor, appeared for the Crown.

#### APPEAL OF SWAMI ARUNAGIRINATHAR

##### To be Posted before a Bench

His Lordship next took up for hearing the application for admission of the appeal preferred by Swami Arunagirinathar against his conviction by the Third Presidency Magistrate for offences under the Criminal Law Amendment Act in connection with the Anti-Hindi agitation.

The Judge: I suppose the points raised are the same.

Mr. Muthia Mudaliar: Yes

The Judge: Do you suggest that the matter be posted before a Bench?

Mr. Muthia Mudaliar: That would be better, having to the legal points involved.

His Lordship admitted the appeal and directed that it might be posted before Bench.

#### PICKETING BEFORE H. T. H. SCHOOL

##### Volunteers Arrested

Madras, Aug. 6.

The following persons were arrested by the Police for picketing in front of the Hindu Theological High School in connection with the Anti-Hindi movement during the week-end:—

Messrs. Michael and Arumugam of Sattar S. Rathnam Nadar and S. Maharajah Nadar of Tuticorin, V. K. Subramaniam and P. Balakrishna Nadar of Sattur, Kadar Batcha of Salem, M. M. Periaswamy of Udumalpet and Annamalai of Sivakanchi.

#### KARACHI-COLOMBO AIR SERVICES

##### Increase in Frequency

Madras, July 30.

The introduction of the fifth service between Karachi and Colombo involves slight changes in the operative schedule of the Tata's Northbound services during the transitional period from 30-7-38 to 14-8-38. The Southbound plane will arrive in Madras as already notified on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays but there will be no Northbound service on Wednesday the 3-8-38 and Wednesday the 10-8-38. On Monday the 1-8-38 and Monday the 8-8-38 ferry plane will fly from Colombo to Karachi, though there will be no connecting Imperial Airways plane at Karachi. Inland air mail articles for Karachi and places served by the Madras-Karachi service will be carried by these ferry planes and may be posted in the post offices in the city up to the hour prescribed for the air mail clearance for the Northbound plane on these days. From 14-8-38 onwards the northbound plane will leave Madras on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays as already notified.

Money orders to Australia, New Zealand and Fiji will also be transmitted by air from Calcutta. The air mail surcharge on money orders will be abolished with effect from 1-8-38 if drawn on the above.

Money orders for these countries tendered at the post offices in the city upto 3 p.m. of Mondays and Fridays and 1 p.m. on Saturdays will be in time to reach the planes at Calcutta.