

Case Against Messrs Ponnu- swami, Nayagam And Shanmugananda

SPLIT UP INTO TWO BY MAGISTRATE

Accused Plead 'Not Guilty'

Madras, Sept. 10.

The cases against Mr. Palladam Ponnuswami for picketing in front of the Premier's house in June last and against Mr. C. D. Nayagam and Swami Shanmugananda for abetment of picketing in connection with the Anti-Hindi agitation were taken up on Monday last, (5-9-38) by Mr. K. Kunnikrishna Nair, Third Presidency Magistrate, Egmore, for further hearing.

The Magistrate said he proposed to split up the trial into two parts, one against Mr. Ponnuuswami and the other against Messrs. Nayagam and Swami Shanmugananda.

Mr. S. Muthia Mudaliar, Counsel for Mr. Nayagam, asked whether any application to split the trial was made by the prosecution.

The Magistrate observed that he was doing it of his own accord for two reasons. Mr. Ponnuswami, the Magistrate stated, did not know English and it took a considerable time to translate to him the entire proceedings, and that for the sake of convenience he proposed to do so.

Mr. Muthia Mudaliar submitted that the trial had proceeded against all the three accused and the stage was reached when a charge-sheet should be framed, and that there was no provision in the law to split up the charge-sheet at this stage.

The Magistrate said that, from that stage, the charge-sheet would be separated.

Mr. Mudaliar asked under what section of the Criminal Procedure Code His Honour proposed to split up the trial.

Mr. G. V. Ratnaswami Ayyah Prosecuting Inspector, said that the case really began when the charges were actually framed, and before that it was only an inquiry.

Mr. Mudaliar said it was not so and that it would apply only to a Sessions case. Further, the splitting up of the trial would be prejudicial to the accused. Even supposing that the Court had jurisdiction to do so, it was not a case in which the trial should be split up. If the first accused, Counsel added, were sentenced, to say six months and the other two to four months, then the latter would be handicapped if they wished to file an appeal.

Appearing for Swami Shanmugananda Adigal, Mr. K. C. Subramaniam Chettiar also objected to the splitting up of the trial. If his client wanted to defend himself, he said, he might show that the main offence under Section 7, (1) of the Criminal Law Amendment Act itself was not made out, and, therefore, there was no abetment. If the trial were to be separated, it would prejudice his client. He submitted that His Honour could add to or modify the charge-sheet, but not split up the trial. The only course open to the prosecution was to withdraw the charge-sheet and file a fresh one.

On behalf of Mr. Palladam Ponnuswami also, an objection was raised to the splitting up of the trial.

Orders were then passed by the Magistrate splitting up the trial. The objections raised by Counsel were also recorded.

Mr. Ponnuswami pleaded "not guilty" to the charge of picketing; read out to him and said he was not loitering before the Premier's house.

Messrs. Nayagam and Swami Shanmugananda pleaded 'not guilty' to the charges.

Further hearing of the case was adjourned to September 9 when the witnesses would be cross-examined.