

## CHAPTER IX

### TO LUCKNOW JAIL AS A KAKORI UNDERTRIAL

The parting with my friends was very painful. They were overwhelmed with grief that I was going to face a big trial at a place far off from Bengal. We embraced one another very feelingly and warmly. But worse was the condition of the simple Santal sweeper. Ever since he knew that I would be going away he wept like a child. Before my departure he was locked up in his cell. When I approached him he was weeping bitterly even in the presence of the jail officials. It was very painful to me as well. What loveable fellows they were : They were, as it were, nature's own children. Work, eat, drink and be merry, were their motto of life.

On my arrival in the jail office I saw that I was to be escorted by one European Inspector of Police, one havildar and four constables of the armed police. Leaving the jail gate our vehicle reached the European club where the police Superintendent had a look at me and then when we went to Hazaribagh Road Station, we sat in the crowded Waiting Room, where all eyes were on me, but nobody dared to come near me. A well dressed person under such an escort was really an object of

curiosity. I was talking to the Inspector on various subjects and was astonished to know that he was a Theosophist of Annie Besant School. He believed in the birth of a superman under whom there would come the millenium. I utilised this weak point of the man throughout our long journey from Hazaribagh to Lucknow. He was enthusiastic when I supported his views and we became friends.

We travelled by an Inter Class compartment in Bombay Mail upto Moghul Sarai from where we boarded a train which brought us to Lucknow in the afternoon. At Mughul Sarai I purchased a big quantity of guavas and apples, because I knew that my passage money had to be spent.

At Banaras Cantonment Station I saw Jitendra Nath Sanyal, the younger brother of Sachindra Nath Sanyal. He did not look at me but I saw that he boarded the third class compartment next to mine. He occupied a seat which was visible from my seat, but he was not at all looking at me. Some children were near me. So in order to attract the notice of Sanyal, I gave some fruits to the children with the permission of the Inspector. When they were taking the fruits from me, Sanyal saw me, came near my compartment and took a seat adjacent to mine. We talked in Bengalee—a language which others could not follow. He got down at Jaunpur station and stood in front of our compartment. I told the Inspector that he was a lawyer and I was going to Lucknow as an undertrial and

hence I was taking his advice. Sanyal informed me that he and others would be ready to help us to escape if circumstances forced us to try that.

Our train arrived at Lucknow where an armed police party under the S. P. was ready to receive us. As soon as I got down the policemen cordoned me. But my escorting Inspector objected to this. So I walked flanked by the S. P. and the Inspector while the policemen followed us. They took us through a side door to the police van and we reached the District Jail within a few minutes and soon we were sitting in the Superintendent's room. The jailor was on his round making sure that all the locks of the jail were put. On receipt of the news of our arrival he hurried to the office and stood near me. When I asked his name he said Champalal and when I asked his title, I meant surname, he said that he was Rai Sahib. At the first sight I took him to be a good man, but on hearing that he was a Rai Sahib I thought that I was mistaken. He must be an exceptionally shrewd man, outwardly he had the appearance of a good man, but inside he must be quite different, that was what I thought. But I had to live long in this jail and soon I learnt that a more tender hearted jailor I never saw.

The Inspector handed over his charge to the jailor and offered to pay the money that was saved out of my food allowance on the way. The jailor politely declined saying that he might return the money to those who gave him, if he so liked.

The Inspector took leave of us telling the jailor that he had a pleasant journey with me.

Then the jailor led me to the Civil Ward. On the way he showed me the Circle, the cook house and the condemned cells. By the side of the Civil Ward was a factory, where Pandit Motilal Nehru and Pandit Jawaharlal Nehru were kept when they were imprisoned in the Civil Disobedience Movement of 1921.

It was dusk when we reached my ward. My boxes and bundles were heaped up in the small barrack. A lantern was supplied. The jailor wanted to supply my meals for the night from his place, telling that he was also a Brahmin. But I declined the offer with thanks and asked for some milk. My bed was spread out on a cot. When the jailor and the deputy jailor went out, I dropped down on the bed to spend my first night in a jail in U. P. where I was destined to spend another nineteen years.

### THE KAKORI CONSPIRACY CASE

While leading me to my ward the Jailor told me that I would be put up for identification and if not identified then I would be sent back to Hazaribagh jail. That must have been the directive, because, as I started earlier, the Superintendent of the Hazaribagh Central Jail had also told me so. But I knew that the main approver, Banarsilal would easily identify me, because I had stayed in his house for six days. So in my mind I knew that

a prima facie cause would be established against me and that I would certainly be roped in.

One afternoon, Syed Ainuddin, the special magistrate for this case, made his appearance with a smiling face and started talking to me, of course in English, as if he was a personal friend of mine. He wore a big Turkish cap and Achkan. I thought he spoke in a friendly way because I was a privileged detenu under the Bengal Criminal Law Amendment Act certified that very year by the Governor.

The next time the Magistrate came for my identification with a few more persons including Mr. N. N. Mitra, representative of A. P. I. (Associated Press of India). Mitra was a student at Dacca and was an enthusiastic member of the secret Anushilan Samiti there. Because the Magistrate was on very intimate terms with him our friend Ram Prasad Bismil took him to be a friend of the C. I. D. and even made some remarks against him in the Court. Yet Mitra did never in any way act against our interest.

I was mixed up with some persons in the identification parade. Banarsilal, the main approver identified me. On another day the confessing accused, Banwarilal, also came and identified me. Before the Magistrate came to see me in Jail, our defence lawyers were also informed about my arrival in Lucknow District Jail. One day Pandit Harkaran Nath Mishra, Bar-at-Law, came to see me. He was accompanied by another young

lawyer. After introducing himself, Mr. Mishra also introduced his friend as Mr. C. B. Gupta. I had no talk that day with Mr. Gupta, but the smart looking short-statured young man's dress attracted me much. The way he wore his dhoti twisted round his legs and his big white turban looked unusual. I looked at him again and again with curiosity. Who knows Harkaran Nath Mishra now ? Gupta is now one of the top political leaders of U. P.

The jail population took me to be a Raja, because privileges in the jail were reserved for that class only. The jail authorities were very much perplexed with the problem of my expenses. I told the jailor that it was a simple matter. As I was still a Bengal detenu my expenses would be incurred by the Bengal Government and actually they were doing so when we were in Bihar jail. But authorities seemed that they failed to understand the position. They, therefore, referred the matter to the U. P. Government.

When after the identification I was made an undertrial in the Kakori Case I insisted that I should not be kept separate from other accused. They did not accept my plea. But I established private contacts with my friends. One day, shortly after my arrival, Ram Prashad Bismil and Roshan Singh came in front of my ward gate and we exchanged greetings. They were being taken out under fetters.

One day I was shifted to the circle and allowed

to live with the other accused but my privileges as a detenu were withdrawn. I protested against this but who was there to hear my protests? I thought of resorting to hunger strike. But in the circumstance in which we were placed at that time, hunger strike was inadvisable. So I protested in writing to the Bengal Government who took up the stand that as I was under a different Government they were unable to interfere. It was a wrong stand on the part of both the Governments, because in case of my acquittal in the Kakori Case, they would not have released me and would have detained me again as a Bengal Detenu. Later Gopinath Srivastava of Lucknow wrote a forceful article on this problem which was published in the Forward, a daily from Calcutta, under the headline: "A Detenu's Privileges go".

### THE ORIGIN OF THE KAKORI CASE

The provincial Council Meeting held at Kanpur on the 3rd October, 1924, was the last time when I had direct connection with the party. After the meeting I went to Pondicherry and was arrested in Calcutta on the 18th October 1924. One resolution of this meeting states: "That at least Rs. 100/- (considered to be the least expenditure in case of dire necessity at present) be raised by subscription from members and sympathisers." This shows how the Association resolved to carry on the organisational work depending on its own resources.

But with the expansion of the organisation the expenditure also increased. So the problem of money became more acute. When the necessity was great, means were also to be found out to meet the increased demand. Forcible collection of funds followed. Though the revolutionaries never wanted to take recourse to this method of collecting funds they were helpless in the face of dire necessity. This compulsion is evident from what Ram Prasad Bismil wrote in his autobiographical sketch only two days before his execution. He wrote how he was compelled to take away the railway collections. Ashfaqullah vehemently protested against the proposal. His argument was that the organisation was not strong enough to save itself against a strong onslaught from the Government. But Ram Prasad was in charge of the organisation and he had a great responsibility. He had written how the organisers of different districts were already burdened with loans and he himself was indebted. So he himself took the responsibility of the action.

It was the 9th of August, 1925. The 8 down Passenger train was, as usual, running from Saharanpur for Lucknow. At about dusk it left Kakori station for Alamnagar, near Lucknow. The alarm chain was pulled from a second class compartment, the train slowed down and stopped. Shots were fired and the passengers were warned to keep themselves inside the compartments and close the windows. The guard was told to lie down with his face down. He obeyed. The Anglo-Indian driver



thought that "discretion was the better part of valour" and lay flat with his face down. The iron chest carrying the day's collections from all stations was thrown out from the brake-van, broken open and its contents taken away. The Doon Express from the opposite side passed by in the meantime and the chest-breaking operation was temporarily stopped. Then the whole party of only ten armed men made away with the booty.

Long after a relief train with officers came to the spot and discovered that a passenger was lying dead on the side of the track. But no trace of the people responsible for the action could be found. This sensational incident is known as the Kakori Train Dacoity. The daring train loot and the dramatic escape of the looters without leaving any trace of any kind was an object of astonishment both to the Government and to the public.

When I read the news from Berhampore Jail, Bengal, I thought that this might be the work of my associates. Such a daring action in such a manner could not be done by ordinary dacoits. The men were determined and well disciplined. They shouted to the passengers to get inside telling them at the same time that they were taking away Government money, but not of the public. Only one passenger, a Muslim Mukhtiar, came out to see his wife in the female compartment and was unfortunately shot dead by a stray bullet. The three persons who pulled the chains from the second class were in Khaki short and shirt and felt hat. They

reached Lucknow safely and most of them passed the night in the Banarsibagh.

The action was a challenge to the Government, in other words to the police, who were guardians of law and order. Therefore, the C.I.D. were alerted and deployed into action under the leadership of its Special Superintendent Mr. Horton. Their eyes were on the political suspects. Mr. Horton succeeded in getting a clue at Shahjahanpur, where the vigilance was specially concentrated as three currency notes looted from the train were found there. Ram Prasad Bismil, a suspect since the Mainpuri Conspiracy Case of 1918, was living at Shahjahanpur. Police also came to know that Bismil was absent from Shahjahanpur, on the 8th, 9th and 10th August, 1925. During further investigations they came to know that a student of the Government High School received letters for Bismil and handed them over to him. For the police to discover the address for correspondence with the leader of the secret party was a very important matter. Mr. Horton arranged with the Head Master of the Government School, Khan Saheb Idris Ahmed, that he would open and copy out the letters addressed to Indubhushan Mitra and send the copies to Mr. Horton. The original letters would then be sent to Indubhushan. Thus Horton was getting the information contained in all the letters addressed to Bismil. Bismil had written a letter to his associate at Aligarh. This letter was intercepted but the addressee was not arrested. This letter referred to a meeting of

the Council to be held at Meerut Vaishya Orphanage. More things were known to Horton through this man and also through other letters. Bismil was convinced of this when, after he was arrested, he came to know certain things from a C.I.D. officer, which were not known to anybody else. Horton came to know of more things.

When Horton came to know of the Meerut meeting from different sources, he sent Sub-Inspector of the C.I.D. Burma Singh to watch the meeting. He had a local assistant, Pheru Singh. Meerut meeting took place on the 13th and 14th September, 1925.

On the 26th September, there were province-wide arrests and searches. Nearly forty persons were arrested from different parts of the province and more were arrested outside the province also. A letter to Indubhushan gave the clue that articles were kept in a student's room at Banaras. This room was of a Hindu University student. The police broke open the lock and they found in a box two rifles. The student, Rajkumar Sinha, was arrested at Kanpur. A letter addressed to Ramnath Pande of Banaras was recovered from Bismil and Pande was arrested. In the meantime Indubhushan wrote to Pande giving the information that Bismil had been arrested. On this Indubhushan was also arrested at Shahjahanpur. Banarsilal gave the news that he received the "Revolutionary" leaflets through a registered parcel from Banaras. On the basis of this information Rai Bahadur Jiten-

dranath Mukherjee found out that four more registered parcels of consecutive numbers were sent from the Kamaksha post office to four different addresses. Kanpur addressee was Gopinath. On arrest he confessed and became crown witness. The student addressee of Raibareli was Kanwar Bahadur. He too confessed on arrest and became a prosecution witness. He gave the address of a relative of Banawarilal. While searching that place police found a trunk in which were a pistol, a 55 bore Webley revolver and some cartridges. The other addressee was Pranabesh Chatterjee of Jabbalpore. He was also arrested. After Indubhusan's arrest the Head Master, Khan Sahib Indris Ahmed, received another letter written from Chanda in Central Provinces. The name of the writer of the letter was Mohanlal Khatri. Police traced out Ramkrishna Khatri and arrested him at Poona.

Sachindranath Sanyal and Rajendranath Lahiri were brought from Calcutta after the latter was given 10 years, transportation in the Dakshineswar Bomb Case. Sachindra Nath Bakshi, Ashfaqulla and Chandrashekhar Azad went underground. Bakshi and Ashfaqulla were tried in the supplementary case after arrest. Bakshi was given transportation for life and Ashfaqullah was given capital sentence. Azad kept his promise and remained Azad (free) till he breathed his last.

As I have already stated, in the early hours of the 26th September, 1925, there was general round up of political suspects in various places of U. P.

People were also arrested in Bengal, Central Provinces, Maharashtra and the Punjab. All of them handcuffed and with barfettters, were brought to Lucknow District Jail under heavy police escorts. These wholesale arrests and ill-treatment of arrested persons, many of whom were men of public position, created a public resentment against the foreign rulers. In fact, Mr. Horton, the Special Superintendent of the C.I.D., had very little material in his possession for such large scale indiscriminate arrests and infliction of insults and humiliation on arrested persons. But he was very fortunate that after the arrests, damaging confessions were made by some of the accused persons. The interception of many letters also gave new clues for strengthening the case. Rai Bahadur Mukherjee played a big part by finding out the rifles from Raj Kumar Sinha's box. It was Mukherjee who traced the Post Office from where the parcels of "Revolutionary" leaflets were sent to different addresses. These proved to be very damaging for those who were accused. Really these things ultimately established the case. The main approver, Banarsilal, could not give any material evidence to prove the Kakori money action. But it was Banwarilal's confession that helped to prove the Kakori action, because Banwari had participated in it..

As the police eyes were fixed at Shahjahanpur, they succeeded in arresting Ram Prasad Bismil, Roshan Singh, Hargovind, Banarasilal and Prem Kishen Khanna. Prem Kishen Khanna was taking

great interest in what police was doing when they were searching Bismil's house. Khan Bahadur Tasadduq Hussain of the Imperial C. I. D., therefore, made private enquiries about him and sent for him to be present in the Police Station with his licenced Mauser pistol. When he came he was arrested and sent to Jail. At Banaras Manmatha Nath Gupta was arrested. Suresh Chandra Bhattacharjee, Ram Dulare Trivedi and Virbhadra Tewari were arrested at Kanpur. Govind Charan Kar was arrested at Lucknow, Vishnu Saran Dublish at Meerut. A big case was about to be opened at Lucknow.

Pandit Motilal Nehru, the Swarajist leader in the Central Legislative Assembly, came to Lucknow and stayed with Pandit Jagat Narayan Mullah, the most prominent criminal lawyer of the Lucknow bar. Motilalji requested Pandit Mullah to take up the Kakori Conspiracy Case on behalf of the defence. Pandit Mullah was agreeable to the proposal, but stated that he would work for this case for 20 days every month and 10 days he would devote to earn for his family. This was evidently absurd and Nehruji went away disappointed at the attitude of Mullah. Before leaving Lucknow Pandit Motilal formed a Defence Committee for the case under the leadership of Pandit Govind Ballabh Pant. Saheed Ganesh Shankar Vidyarthi was an important member of this Committee and raised the major portion of the much needed fund.

The very next day after Motilalji left, Rai Sahab Durga Prasad, the Deputy S. P., C. I. D.

Assistant to Mr. Horton, gave Pandit Jagat Narain the offer to take charge of the prosecution and the Pandit readily accepted it and thus became the prosecution advocate in the Kakori Conspiracy Case. His nationalism vanished in thin air before his lust for money. Pandit Motilal resented this so much that he ceased to have anything to do with his family any more.

Half of the arrested persons were let off one by one even before the case came up in the Court. This was because Banarsilal and Indubhusan Mitra of Shahjahanpur turned approvers and Banwarilal of Raibareli became a confessing accused. From them the police came to know who were the persons really connected with revolutionary work.

Many lawyers joined the defence committee. Two Congress leaders, Pandit Pant and Mohanlal Saxena stood by the accused. Pandit Harkaran Nath Mishra came forward and also Shri C. B. Gupta, who had joined the bar that very year. Shri Manilal Kothari also joined the defence counsels' team along with eminent lawyers like R. F. Bahadurji, Ajit Prasad Agarwal and Daya Shankar Hazela.

### WHAT THE KAKORI CASE WAS

Though the case started with the incident of a train money action, the Government realised that the real cause behind the train action was a very serious one. It was an armed challenge to the foreign domination of India by the dare-devil revolutionary youths, who did not believe in reformism

but wanted to free India by an armed revolution.

The prosecution case was that there was a conspiracy to deprive the King Emperor of his sovereignty over British India by an armed revolution. The Kakori train action was only one of the incidents for the furtherance of the conspiracy to overthrow the foreign Government and thereby to make India free.

### THE REAL BACKGROUND OF THE CONSPIRACY

Let us have a bird's eye view of the whole situation and try to realise how all these things came about.

During the First World War (1914-18) any Indian revolutionary actively tried to make India free from British yoke by an armed revolution with the help of England's deadly enemy, the German Government. The Indian revolutionaries inside India and abroad had combined in this great effort. They made immense sacrifice and stood intolerable suffering during the course of their activities. A glimpse of it can be had if one cares to read carefully the Sedition Committee Report, prepared and published by the Government of India not long after First World War was over.

The revolutionaries who had a hold on the youths had no faith in constitutionalism either. They continued with their task of making India free through an armed revolution though they had plunged themselves into the non-cooperation move-



ment as well. But they knew that India could not be made free through open mass movements. So they briskly formed a net work of secret revolutionary organisations throughout the length and breadth of the country. They were never for compromise or reforms. Their goal had always been complete independence.

The U. P. Branch of the organisation was not an isolated body but a part and parcel of the All India organisation. Documentary evidence proved this fact conclusively in the Kakori Conspiracy Case, as we would see when we discuss the case.

A few sentences will show how the Kakori Case was closely linked up with the entire secret revolutionary activities in the whole of northern India in the period between 1923 to 1930. A member of this organisation, Dr. Sailendra Nath Chakravarty of Allahabad, received the maximum sentence in the Deoghar Conspiracy Case in east Bihar as one of its leaders. Jogendra Sukul, a recruit of this organisation at Banaras, became prominent in more than one case in Bihar and was ultimately transported to the Andamans. Though not declared absconders, the police were in search of Sardar Bhagat Singh in the name of Balwant Singh, the name that I gave him at Kanpur, and also of Jatin Das, whose name came in connection with the Kakori Case as Kali Babu and Kamini Kaka for whose identification, Banwarilal had gone to Calcutta, but failed to identify him. They were both in the Lahore Conspiracy Case in which Bhagat

Singh was hanged and Jatin Das laid down his life by hunger strike. Those who escaped from Lahore Conspiracy case were later roped in the Delhi Conspiracy Case. Chandrasekhar Azad, the Supreme Commander of the Hindustan Socialist Republican Army, was declared absconder in Kakori, Lahore and Delhi Conspiracy cases.

To take up here Dakshineswar Bomb Case, we see that Rajendra Nath Lahiri who was a leader of Kakori Conspiracy Case, was also a leader of Dakshineswar Bomb Case and was awarded the maximum punishment among those involved in it. It happened like this : Ram Prasad Bismil of Shah-jahanpur wanted to learn the art of bomb making. Rajendra Lahiri, who had connections with Jatindra Nath Das, managed through Das that Ram Prasad Bismil would be taught bomb making and Das wrote Lahiri to send Ram Prasad to Calcutta. Lahiri wrote to Ram Prasad but due to some reason, he could not go. Rajendra Nath Lahiri himself went to Calcutta instead. Bismil had a grievance against Lahiri for this, as he expressed to me in jail.

In Calcutta Jatindra Nath Das introduced Rajendra Lahiri to persons who were experts in bomb making and thus he got himself associated in the experiment for bomb making in a hired house at Dakshineswar, a suburb of Calcutta. They hired two houses for this purpose, one in Dakshineswar and the other in Sobha Bazar. There was great enthusiasm among them for this kind of experiment.

One glaring example of the enthusiasm can be cited here. One of the accused in Dakshineswar Bomb Case, Dhrubesh Chatterji, sold war bonds worth ten thousand rupees, which was all that he had, for meeting the expenses of the experiment. When the police raided the houses many persons were arrested and revolvers, pistols, live-bombs, cartridges, chemicals, explosives and acids along with some literature and books on the art and science of bomb making were found.

After they were sentenced in the Sobha Bazar-Dakshineswar Case, Rajendra Lahiri was brought to Lucknow as an accused in the Kakori Case, and the rest of the accused were sent to Alipore New Central Jail. There Rai Bahadur Bhupendra Nath Chatterjee, of the Special Branch of C. I. D. used to pay frequent visits to have a chat with political detenus to find out some more clues about revolutionaries outside the jails.

This act of a C.I.D. Officer in jail was very much disliked by the accused in Sobha Bazar-Dakshineswar Bomb Case. They protested that C.I.D. men had no jurisdiction inside the jail. But their protest went in vain. So they planned to put an end to Chatterji's life. They were kept in cells and the outlet of the enclosure was through a narrow lane. One day when Bhupendra Nath Chatterji was passing through that lane, they caught hold of him and gave him a sound thrashing. He died on the spot and for this murder two were given capital sentences and the rest were awarded heavy punishments.

It was a militant group of revolutionaries who were accused in the Bomb Case and then in the murder of Chatterji. The more explosive expression of the militant spirit of the group was Chittagong Armoury Raid Case led by Surjya Sen, which took place in 1930 after four years of Dakshineswar Case. Surjya Sen himself was connected with the Kakori prisoners. After the Chittagong Armoury Raid, he absconded and was arrested after three years and hanged.

Thus it will be seen that the Kakori Conspiracy Case had a very great significance in the revolutionary activities of northern India. Normally a man is an ordinary being but under abnormal circumstances at times he can work wonders. This happens when he gets inspired. The potential energy in him becomes kinetic. He is aroused and awakened from slumber. He kicks and jumps and works with great energy. That was the U. P. organisation at that time and whoever came in close touch with it was inspired.

What has been written above would show that our organisation was fairly big and within the course of a few years it spread widely. In all parts of northern India and even beyond, the work was progressing with much energy and drive. In fact, the work was not new. The tradition and history of the past was there and the field was more or less prepared. Large number of old revolutionaries also came forward and added stimulation to the movement which redoubled one urge, energy and vigour.

New recruits were found everywhere.

During the 1921 Movement, Mahatma Gandhi had given the slogan : "Education may wait, but Swaraj cannot," And youths came forward into the movement and pushed it forward. But when the Movement was suddenly withdrawn these youths were taken aback. Some rejoined colleges, some went to service, some took to other avocations ; but the dare-devils amongst them were disgusted. They searched for new avenues and easily became recruits to the revolutionary movement as soon as they came in touch with the secret organisations. The revolutionaries were thus getting the better elements from the youth. Only they could make the utmost sacrifices for a worthy ideal. The purpose was such that it inspired confidence in them. They could go to any length for the attainment of the greatest objective fixed before them.

Sets of such persons had collected in northern India in nineteen twenties with the object of removing the country's bondages. The Kakori Train Dacoity was the work of a batch of ten such persons. They did not hesitate the least to stop the train, overpower the men, break open the iron safe and decamp with the money quietly while in the train itself there were fourteen armed men and two more armed European army men (vide Ram Prasad Bismil's autobiography). These armed men dared not face those dare-devils, who were firing shots every five minutes to keep the men in the train inside the closed compartments.

## CHAPTER X

### KAKORI UNDERTRIALS BEFORE THE SPECIAL MAGISTRATE SYED AINUDDIN

I have given a brief review of the general position of the revolutionaries at the time when they were arrested from different places in connection with the Kakori Train Dacoity.

The undertrials were at first kept separate from one another and later in a separate barrack in the jail outside the Circle. The ration supplied was unedible and therefore they had to spend their own money to supplement the ration. The jailor, Rai Saheb Champalal, was a good man by nature. This was the only good thing in a foul atmosphere.

The law court gives much importance to identification of the accused persons. But the police are clever enough to befool the court, of course in collaboration with the jail officials. The police have the closest relationship with the jail staff. They can, therefore, have any man identified by anybody. Undertrials to be identified were to stand in a line, called parade, mixed up with some other people. They were to be picked up from the parade by the person, who came for the purpose of identification. The jail warder, who escorted the man would tell him the position of the man on the identification parade or the police man or the

jail officer accompanying the Magistrate would point towards the position of the man to be identified and accordingly the man charged was picked up easily on the parade. In a political case in the British days even Magistrates aided the prosecution for personal gain. The case of Syed Ainuddin, the Special Magistrate of this case, was a typical one in this respect. He had no scruples in damning the enemies of his masters. He earned Government titles, promotion, etc. married an Anglo-Indian girl and after retirement from Government service became more notorious as a manager of a native state by perpetrating various sorts of oppressions on the people. Britishers also selected Muslims to deal with the revolutionaries because the latter thought that the revolutionary movement was mainly a Hindu movement and Muslims would not, therefore, make common cause with the accused.

The Magistrate chosen to try us was a Mohamadan, Syed Ainuddin. Before the Kakori arrests Mr. Horton, we have seen, had concentrated his attention on Ram Prasad Bismil of Shahjahanpur and that was the reason why Khan Bahadur Tasadduk Hussain, Dy. S. P. of the Imperial C. I. D., a Muslim, was deputed to Shahjahanpur. Mr. Khairat Nabi was the Prosecuting Inspector and was assisted by the Khan Bahadur during the proceedings of the case. And the man sent to Howrah station with a party of a dozen men to arrest me in Calcutta in 1924 was Inspector Moha-

mmad Ismail of the Special Branch C. I. D. All these show how the British relied more on the Muslim officials than on the Hindu officials. •

Though some Muslims benefited much in this way by acting against the revolutionary movement, the revolutionaries did not take my notice of this. Although they were quite conscious of this, they did not take it very seriously because they were patriotic enough to disregard the nefarious policy of the Britishers. Divide and rule was the general policy of Britain in India and they followed this even in their dealings with the revolutionaries. The revolutionaries were far above these things. Revolutionary brotherhood had reached a stage where there was no caste or even religion, no untouchability or even separate identity. Success they knew was remote, and sufferings and sacrifices were their constant companions.

The Special Magistrate, Syed Ainuddin, was a very clever person, and was a master in the art of stabbing a man from the back. He would keep one fascinated by his manner of talking sweetly and laughing all the time. But if one reads his report of the identification parade or the Committal Order one would at once realise that he was a more bitter enemy of the revolutionaries than the Britishers themselves. He did not hesitate to give false evidence against us on oath before the Special Sessions Judge that myself and Govinda Charan Kar knew Urdu, although he wrote in a note while taking my statement in his court : “ He does not know Urdu.



Therefore, his statement is taken in English.” On this our Counsel, Mr. B. K. Chaudhury, Bar-at Law, wanted to cross examine him to prove that he was biased against us. But the Special Sessions Judge, Mr. Hamilton, threatened him that if he failed to prove that the Magistrate was biased, he would write remarks against him in his judgement. Ram Prasad Bismil, who was undefended, also was not allowed by the Judge to question him. Such was the impartiality of the British Judge.

#### IN THE COURT OF SPECIAL MAGISTRATE

The case started in the court of the Special Magistrate on the 4th January, 1926. Before the case started in the court police had withdrawn cases against many, who were evidently harassed and humiliated for no fault of theirs. The following were the persons let off: Mr. Shitala Sahai, Mr. Chandradhar Jauhari and Mr. Chandrabhal Jauhari, Mr. Ramdutt Shukla, Mr. Mohanlal Gautam, Mr. Baburam Gupta, Mr. Harnam Sundarlal, Mr. Devendra Bhattacharjee, Mr. Sarat Chandra Guha, Mr. Kalidas Bose, Mr. Bhairon Singh and Mr. Indravikram Sinha.

Twenty-five accuseds were put up before the dock that day. Cases against two—Virbhadra Tewari and Pandit Jyoti Shankar Dixit were withdrawn. Two became approvers,—Banarsilal and Indubhusan Mitra,—both from Shahjahanpur, and they were granted pardon.

So the number of accused in the Magistrate's court finally was 21. From the very beginning the case was not called the Kakori Dacoity case but the Kakori Conspiracy Case.

Banarsilal, the main approver, was the first witness examined by the prosecution lawyer, Pandit Jagat Narain Mullah. Let me quote an extract from his statement before the court, as recorded by the Magistrate : "In 1924, at the end of the hot weather or at the beginning of rains a man came to Shahjahanpur. He passed himself off under names which were clearly fictitious, "Roy Mahashay" or "Roy Dada". This man (identified Jogesh Chandra Chatterji) is the resident of a village in the Dacca district of Bengal. According to the approver this meeting was to discuss the formation of a branch of a revolutionary society at Shahjahanpur. Ram Prasad was appointed Provincial Organiser. Ashfaqullah was appointed his assistant. According to Banarsilal, Roy Mahashay had said that the English were to be slain and turned out of India by force and an independent Indian Republic was to be established. He said that all the public of India was to be armed and to be made acquainted with the aims and objects of this revolutionary society. He also said that the money required was to be obtained by dacoities. It was to be collected for getting arms and for propaganda. This was to be by pamphlets, books, leaflets and other printed matters. Roy Mahashay said names should not be given or asked and any harm caused by any member of the society would be punished by death."

Our defence had decided that witnesses would not be cross examined in the lower court. So the Magistrate was recording the prosecution evidence only and our counsels were also watching the proceedings. In all there were 56 hearings and 247 witnesses appeared. At the end statements of 21 accused were recorded, but they all reserved their real statements for the Sessions Court.

There was nothing very remarkable in these proceedings, except a few things which deserve to be mentioned. The accused were brought every day to the Court under heavy armed escorts. The undertrials used to be in one big bus in between two buses full of armed escorts. We were all under bar fetters. We used to shout slogans and sing inspiring nationalist songs when we were brought to the Court. Sometimes the songs were accompanied by the sounds produced by striking our fetters against one another. Every day when we were driven through the different routes from the jail to the court and back, crowds of men lined up on the road side out of curiosity. This went on for a year and a half in the city of Lucknow and it was itself a big propaganda for the death-defying revolutionaries of India.

From the very beginning Pandit Harkarannath Mishra took much interest in our defence, but we were becoming suspicious about him. Gradually it was well established that he was a friend of the prosecution and not of the accused. So we became a bit careful, but it was too late.

One day the Magistrate subtly suggested that Mr. Mishra being a senior man may act as the leader of the defence. At this remark of the Magistrate every one was astonished. Pandit Gobind Ballabh Pant stood up and objected to this in a mild but dignified manner. Immediately after he resumed his seat the Magistrate apologised. This proved to us that Mr. Mishra was too much friendly with the Magistrate and our conclusion was that he was a friend of the prosecution too.

When the case was to be started in the Sessions, Babu Mohanlal Saksena suggested to us that we should apply to the Government for a lawyer for our defence at Government cost. We wanted to mention Mohanlalji's name as our lawyer in the application. But though agreeable to our suggestion, he was definitely against mentioning any name. He stated that if our petition was granted we might suggest his name. This was a mistake and he realised it later. In reply to our application, the Government announced the appointment of Mr. Harakaran Nath Mishra. We replied that we had no confidence in him and boycotted him. So throughout the eight months trial Mr. Mishra was defending the confessing accused Banwarilal, who required defence and he (Mishra) was drawing from the Government rupees sixty five per day for a work which he never did.

Mr. Mishra was after Pranabesh Chatterjee, too, in collaboration with Pranabesh's elder brother, Sukumar Chatterjee, who was himself an

approver in the Sanfransisco Conspiracy case in America. Sukumar Chatterjee wanted Pranabesh to make a clean breast of everything and thereby get out of the jail. Mishra too was trying the same thing. Pranabesh was even separated from us and kept in the Central Jail for some months. He was meeting us in the court and did not like to betray his friends for personal safety.

But after the Sessions Court judgment when Pranabesh was kept alone in a district jail, his brother succeeded in getting a statement from him and placed it before the Chief Court appellate judges. A new charge against me was brought in this statement. But the judges could not accept it as evidence according to law. They said that they prosecution might start a separate case if they wanted. What did Pranabesh gain by making the statement? His sentence was reduced only by a year from five to four. The statement was embodied in the judgement of the Chief Court. So Pranabesh was badly exposed by the Chief Court. This must have been a terrible shock to Pranabesh and the poor fellow committed suicide in Delhi after his release. What a tragedy.

In his statement dated 24th July, 1927, addressed to the Chief Court, Pranabesh stated how he was recruited when a student of the Kashi Vidyapith by Manmatha Nath Guha, how Jogesh Chatterjee became his teacher, how Rajen Lahiri sent him to Allahabad along with M. N. Gupta, how he met Jogesh Chatterjee there and then participated in a village

money action. He did not, however, mention one very important fact that it was he, Pranabesh Chatterjee, who recruited Saheed Chandrashekhar Azad, the future commander of the Party whose statue stands at the Azad Park, where he laid down his life in 1931.

Another notable happening was the arrival of Sardar Bhagat Singh at Lucknow when the case was proceeding in the lower court. One morning when our buses were turning from the Abbott Road to the Cantonment Road towards the Roshanuddaula Court at Kaiserbagh, Bhagat Singh was standing near the corner of the turning and after we had taken our seats in the dock inside the court room, he too, entered the court room along with other visitors and occupied a seat very near us. Till then he was a Sikh, wearing an embroidered turban and Jodhpur Khaki breeches. He kept seated the whole day and was all along quiet with his usual smiling face. The policemen, the formidable C. I. D. brains were there as also their pet Magistrate. But nobody took any notice of this fine looking and well-attired Sikh youth. He stood in the garden in front of the Court when our buses were turning. This was the last time that I saw Sardar Bhagat Singh.

In the Magistrate's Court another note-worthy occurrence was the sudden release of Virbhadra Tewari of Kanpur on the 29th January, 1926. This was unexpected as there was sufficient evidence to give him a long sentence. Sanyal, Ram Prasad

and myself had a long discussion about it and reached the unanimous conclusion that he had managed to become a favourite of the police.

The lower court hearings gradually came to an end. The Government prosecutor, Pandit Jagat Narain, made his concluding speech in a packed court in the presence of all our defence lawyers. Why I do not know, he spoke highly of me. His word I still remember. "Now I have come to know the whole life history of Jogesh Chandra Chatterji and I can say without any hesitation that he is a great patriot. Had I been a revolutionary I would have made him my leader, but not the great Pandit or the showy Sanyal." These were his words. As soon as he sat down I asked Jagat Narainji whether he would help me with money when I was free again. He said, "Yes, provided you do not shoot me." He was alive for some years after our release. But I had not the least intention of meeting him.

The Magistrate took an unusually long time in preparing the Committal Order. However, when it was out the reason of the delay was crystal clear to us. He left no stone unturned in drawing the worst picture of each and every accused person. Of course, it is a fact that I took a leading part in the conspiracy. But the prosecution evidence was very weak. Our defence Counsel, Mr. B. K. Chaudhury was absolutely sure that I would have been released even if the lower court gave me any sentence if our case went to the Calcutta High Court. In

the Sessions Court my case was to be argued by Mr. Mohanlal Saksena, because two of the Assessors did not know English and therefore, Chaudhury did not like to argue. When Saksenaji studied the case throughly he told me that the case against me was very weak.

There was no evidence from Banaras or Kanpur. The approver had told in his original statement to the police that I came to Shahjahanpur and stayed with him in his house for six days. But he changed it in the court and stated that I was putting up with Ram Prasad. This change was essential for the prosecution, because Banarsilal's servant and neighbour identified M. N. Gupta and others, who stayed there only for a day, whereas they could not identify me, though I really stayed with him for six days.

The next evidence against me was the recovery of the documents from me at the time of my arrest in Calcutta. On this the search witness wrote, "All except the item No. 1 in the first page found in my presence." At this the police officer threatened him and compelled him to write again, "N.B. Item No. 1 in page 1 was found out by a police officer which is alleged to have been picked up by a gentleman present on the spot." This was an important document in the Kakori Conspiracy Case as Exhibit 198.

Syed Ainuddin tried his best to prove me as the leader of the Conspiracy by various inferences, real and imaginary. In his committal order on page 17



the Magistrate writes, "In the words of Banwarilal he met Jogesh in hot weather of 1923 at the Purshottam Das park at Allahabad who had asked Banwari's name and address. When Banwari met Jogesh the first question which the latter said him was about Bandijiban. When Banwari said that he liked the book very much, Jogesh promised to give him more books free of cost provided he gave them to other persons also to read. Here it is described in a manner as if Jogesh was living at Allahabad. But the Diary of Rai Bahadur J. K. Mukherjee Dy. S. P., C.I.D., says that Jogesh Chatterjee arrived at Banaras and lived at 164 Ganesh Mahal for 3 months and shifted to 20 Pataleswar."

The Committal Order continues "At first Banwari thought that this man, that is Jogesh, was Sachindra Sanyal, but Rajendranath Lahiri told him afterwards that he was Jogesh Chandra Chatterjee. Rajendra also told him that the mission of Jogesh was to set up revolutionary societies in these provinces and that he had come from Bengal only for this purpose." Then Banwari stated that Jogesh sent him to Pratapgarh where he formed a society. He further stated that Jogesh received him at Kanpur and introduced Rajendranath Lahiri to him and said that in future he should deal with Lahiri under whose command the district of Pratapgarh had been placed for spreading the revolutionary movement.

To hide the weakness of the prosecution argument because of my long presence at Allahabad and my frequent conversation with Banwari the

Magistrate stated. "It would appear from the story given by Banwari that when at Banaras Jogesh used to visit Allahabad with the object of spreading revolutionary propoganda there. There is no reason to disbelieve it specially when evidence has been tendered to show that the Sanyal family was residing at Allahabad and a Hindi translation of the of the book Bandijiban was published from there. Naturally Jogesh would turn to Allahabad and hold consultations with Sachindra Nath Sanyal, who must have been known to him as a prominent revolutionary." Here the Magistrate without any evidence connects me with Sanyal as co-conspirators, evidently to show his overloyalty to the foreign rulers and thereby meet personal ends at the cost of the revolutionary fighters for the country's freedom.

The Magistrate further stated "Banwari's statements further shows that Jogesh had entrusted the work of Banaras to Lahiri and thus explains the transfer of his activities from Banaras to Kanpur and other places."

He continued : "Banwari has fixed the presence of Jogesh at Kanpur in the hot weather of 1924 and he is supported by the evidence of Rai Saheb Durga Prasad, who says that according to his secret sources he had come to know in the month of July 1924 that Suresh Bhattacharya was associated at Kanpur with a suspect Bengali, known by the name of Roy. Here again is the further corroboration to the evidence of Banarsilal, the main approver, that Jogesh was called Roy Mahashay by Ram Prasad when he

came to Shahjahanpur to establish a revolutionary society there. From Kanpur Jogesh directed his attention to different places and amongst such places he visited Jhansi and placed Bakshi at that place in order to spread the revolutionary propaganda. It should not be forgotten that this is the same S. N. Bakshi, who had rented a room for Jogesh in house No. 164, Ganesh Mahal, Banaras."

"After Jhansi we find Jogesh at Shahjahanpur in the beginning of the rainy season of 1924 vide Banarasilal. Banarsi was taken to meet Jogesh by Ashfaqullah to the house of Ram Prasad. He was introduced to Jogesh and was taken in confidence. Ram Prasad was appointed the organiser and Ashfaqulla his assistant, while Banarsi being a married man, was made a sympathiser."

"We find Jogesh again at Kanpur in the first week of October 1924 when a meeting of the Provincial Council of the revolutionary society was held at that place. There could not be a better corroboration of this statement than paper recovered from the person of Jogesh. This paper is really a record of the proceedings of the meeting of the Provincial Council at Kanpur on the 3rd October 1924. Its writer has not been discovered but Jogesh is certainly responsible for its contents as long as he is unable to explain how he got it and what it is about. This paper says that more or less efficient representative acting as district organisers had been posted at Banaras, Allahabad, Pratapgarh, Kanpur, Lucknow, Fatehpur, Mainpuri, Jaunpur,

Jhansi, Hamirpur, Farrukkabad, Etawah, Agra, Aligarh, Mathura, Bulandshahar, Meerut, Delhi, Etah, Bareilly, Pilibhit, Shahjahanpur, Muzaffarnagar, etc.”

Then we read : “We are now at a stage at which revolutionary centres were established throughout these provinces. We also know by now the names of Jogesh, Suresh, Pandit, Banarsilal, Indu, Lahiri, Banwari, Bakshi, Ashfaq, Roshan Singh, Ram Dulare, G. C. Kar, Ramnath Pandey, M. N. Gupta, S. N. Sanyal, and Pranabesh, as those who were connected with the revolutionary movement. Jogesh has had his full share in the movement. His arrest in Calcutta in October 1924 and subsequent detention under Bengal Ordinance, prematurely put a stop to his activities. I have dealt with the activities of Jogesh in great detail. He being one of the founders of the revolutionary societies in these provinces, naturally his movement form an important part of the evidence of conspiracy in the case.”

After we were committed to the sessions there was a distinct change in the general attitude. The fear of betrayal by weaker friends was no longer there. All had the stern reality before them. Ashfaquallah and S. N. Bakshi, too, had been arrested and a separate case was started against them. They wanted to go undefended, because by our example they had come to know that in a case like this the defence was meaningless. Still we requested Mr. C. B. Gupta to defend them.

But they did not agree to the proposal of Mr. Gupta. Then I wrote a personal letter to Bakshi through Mr. Gupta that when in the original case we put defence, the supplementary one going undefended would have no effect on the public. They agreed to put up defence and Ashfaquallah was defended by Gupta.

### HUNGER STRIKE

All the Kakori undertrials were now in a fighting mood. We had already paid thousands of rupees in supplementing the jail ration and we were determined not to do so any more. We decided to start a hunger strike demanding special treatment as political prisoners. Prior to this I had a severe attack of fever and was in hospital for many days. I was an old hunger striker and also the prime mover in this. But my friends would not allow me to join the strike because of the extreme weak condition of my health.

Hunger strikers were kept in separate groups and non-hunger strikers, myself and Lala Hargovind of Shahjahanpur were sent to the hospital. The Superintendent of the jails, Captain Salamatullah, knew well that I was the prime mover and as I was not on strike he had a great suspicion on me and transferred me to the Central Jail where Rajendranath Lahiri was confined alone. He too, was not on hunger strike as we requested him not to do so. I was to be sent under bar-fetters but I protested

strongly and the jailor, Rai Saheb Champalal, agreed to send me unfettered after I had argued with him.

In the Central Jail again the Anglo-Indian Head Jailor came for the same purpose of putting me under fetters. I vehemently protested stating that I could not be fettered in the normal course unless and until I committed some very serious jail offence and were punished for that by the Jail Superintendent. Moreover, I was only an undertrial and therefore, the question of putting me under fetters could not arise at all. The jailor said that he was acting under the orders of the Superintendent. I said in reply that the Superintendent could not give any arbitrary orders and even if he did so, I would refuse to obey it. The jailor went away disappointed.

Next morning the Superintendent was very angry with me and said that so many were on hunger strike and that the addition of one more would make no difference. After the Superintendent left the ward I took the decision to join the hunger strike even against the friendly entreaties of Lahiri. I gave the formal notice in writing that I was on hunger strike. My stand was that I did not start it earlier due to poor state of health and also because of the request of friends. I further stated that I had to go on hunger strike and that as a true revolutionary I had no other course open but to accept the implicit challenge contained in the jail Superintendent's words. I made it clear

that the Rubicon has been crossed and that there was no going back.

Fortunately for us, Lahiri had two convict overseers to alternately watch on him. Both of them were old men, sentenced to transportation for life in a Hindu-Muslim riot case and they were very sympathetic to the political prisoners. I was to be removed to the hospital cell, where a new man-height wall was being erected. I got this information through the two watchmen. Next day I was actually taken to the cell, which now had two doors, the second one was fixed on the next wall which was erected only the previous day. The key to the outer door was kept with the Head Jailor and the one of the inner door was with the senior Doctor, so that my cell could not be opened unless both the jailor and the doctor were there. But an old convict was also locked up with me. This caused a good deal of trouble. The man was addicted to chew tobacco and he was in great distress first due to confinement and more so because he could not get tobacco which though a prohibited article was available in jail.

When I was leaving the European Ward, where Lahiri was kept, I left instructions and some money with him to send the news of my hunger strike out. This was done and the news alarmed the Superintendent. He came prepared to feed me forcibly. I objected and stated that I was not weak and hence required no food so soon. But he came determined. Unable to pass the tube properly

through my nostril he spread milk deliberately over my pillow, nose and clothes ; much milk entered both my ears. My pillow, which was my own, was taken away on the plea that it was wet. But when I received it back after the hunger strike was over, I found it cut in several places with razor blade. Evidently the cotton was taken out in search of contraband articles, money, paper, pencils, etc. From the noon time I felt severe pain inside my right ear and the pain became unbearable. I shouted for the doctor for nearly two or three hours but there was no response from any quarter. Late in the afternoon the doctor came after both the gates were opened. The compounder gave me fomentation for a long time and only then I was relieved of the terrible pain.

Owing to our hunger strike the Court could not be held. The authorities wanted to hold the court inside the jail. The question was whether the accused under hunger strike could attend the court. The Jail Superintendent expressed doubt. The Civil Surgeon Col. Hunter, was sent to examine us and report. My condition was bad. The Col. was brought to my cell by the Superintendent. The latter asked me to get up from the bed and walk a little. I did so. The Civil Surgeon felt my pulse and asked me to lie down in bed. Then he examined me. He asked me : 'How do you feel ?' I described my condition stating at the same time that I had been on hunger strike several times before. After hearing me he said that my description



of the state of my body was quite correct. He also gave me the information that once as a doctor he abstained from taking food for three days with the object of feeling the symptoms which fasting develops in the body. He reported, even if the Court was held in jail, I would be unfit to attend it.

Now the Government had no other alternative than to come to a compromise. The Magistrate along with the Jail Superintendent made their attempts to revoke our decisions. Both were Muslims. When they failed the Judge came forward. Sanyal Babu was negotiating and we gave him full authority to do so. But ultimately Ram Prasad Bismil intervened and settled that we would get articles worth ten annas per head per day for our food and also extra vegetables from the jail garden. Our demand was that as political prisoners we deserved special treatment. This was of course for the undertrial stage. The Judge promised that he would write in his judgement that we were political prisoners and in fact he did so.

### PLAN TO ESCAPE

Ram Prasad was hoping against hope that he would not be hanged. While the case was in lower court he was not agreeable to escape from the jail though it could be arranged without much difficulty. It is said that he refused to escape because that would have jeopardised the position of a constable in the jail who came from Shahjahanpur and that of jailor Champalal who was very nice to us.

But I did not think that this had anything to do with his refusal. I had much private talks with him on these points. He did not care for a life transportation and he said to me that he would come out with his health in tact even after serving fourteen years in jail as an ordinary prisoner. I believe that he could do so, so fine was his health. At the beginning myself and Sanyal were not in favour of putting up defence but Bismil was keen on it. Due to this we decided to put up defence. In the Sessions Court he fully realised that he would be given capital punishment. Now he himself pressed me to plan for jumping the jail. But the jail authorities, too, had by now taken special precautionary measures.

I made a plan, read it out to Bismil, ciphered it and sent it to Mr. Jitendranath Sanyal, whom I had met while I was being transferred from Hazaribagh to Lucknow. I took Mr. Chaudhury into confidence about this and he gave full approval as the court was determined to give us the maximum sentence.

Hacksaw blades were smuggled inside and gratings of the windows of Bismil were cut unnoticed. Bismil, myself, G. G. Kar and M. N. Gupta—these four were to escape. We were to scale the inside row of walls and go near the drain of the main wall and push through a stick, the other end of which would be fastened with a string which again would be held by our friends outside. As soon as we pushed the stick the friends would know of our

arrival and would throw a rope ladder over the wall for us and catch hold of the other end and thus we would scale the wall one by one.

We administered sleeping drugs to one of the two warders on duty outside and also to the two convict watchmen inside our barrack. The warder outside was fast asleep under the influence of the drug, but the second warder was very alert. The drug did not have much effect on one of the convict watchmen also. He was feeling sleepy but was struggling to keep himself awake, particularly because the warder outside was again and again shouting to keep him alert. Because of this we could not get out.

Outside the main wall our friends, including one very important person, who made history in the revolutionary movement of India, the great martyr Surjya Sen, or the immortal "Masterda" of the Chittagong Armoury Raid of 1930, were waiting with the rope ladder, arms and even bombs. When they came to the spot they found an armed warder was patrolling covering that part of the wall only which was over-looking our barrack. When they saw this they themselves formed into two groups, one for over-powering the armed warder and the other to help us to get out by throwing the rope ladder for us and then to see that we could jump down smoothly. They remained there the whole night and went away disappointed owing to our failure to get out of our barracks.

There were three important documents in possession of the prosecution in the Kakori Conspiracy case which are enclosed, ( 1 ) The Constitution of the Hindustan Republican Association, ( 2 ) The 'Revolutionary' a pamphlet distributed on behalf of the association and ( 3 ) the Proceedings of the Council Meeting.

### DOCUMENT NO. 1

#### “THE HINDUSTAN REPUBLICAN ASSOCIATION”

##### NAME :

The name of the Association shall be the Hindustan Republican Association.

##### OBJECT :

“The object of the Association shall be to establish a Federated Republic of the United States of India by an organised and armed revolution.

“The final form of the constitution of the Republic shall be framed and declared by the representatives of the people at the time when they will be in a position to enforce their decisions.

“The basic principle of the Republic shall be universal suffrage and the abolition of all systems which make any kind of exploitation of man by man possible.”

## CONSTITUTION : GOVERNING BODY

“The Governing body of the Association shall be the Central Council composed of the representatives of every province of India. All decisions of the Central Council shall be arrived at by unanimous consent. The Central Council shall be vested with absolute powers.

“The principal function of the Central Council shall be to supervise, adjust and coordinate the activities in the different provinces of which it shall have full knowledge.

“The Central Council shall be in direct charge of the work to be carried on in countries outside India.”

## PROVINCIAL ORGANISATIONS

“There shall be a Committee ordinarily of five (5) men representing the five (5) different departments of the Association in every province which shall regulate all the activities of the Association in the province.

“All decisions of the Committee shall be arrived at by unanimous consent.”

## DEPARTMENTS

“Every Provincial Organisation shall have the following departments :

1. Propaganda.
2. Collection of man.

3. Collection and storage of arms and ammuni-  
tions.

4. Collection of funds and terrorism.

5. Foreign connection.

6. Propaganda shall be carried on :

a) by an open and a secret press

b) through private conversations

c) through public platforms.

d) through a system of organised Kathas and

e) through magic lantern slides.

2. Collection of men shall be done by organi-  
sers in charge of different districts.

3. Funds shall be collected generally by means  
of voluntary subscriptions and occasionally contribu-  
tions exacted by force. In extreme cases of repres-  
sions by agent or agents of a foreign government it  
shall be the duty of the association to retaliate in  
whatever form it shall consider suitable.

4. Every effort shall be made to arm every  
member of the Association, but all such arms shall  
be stored at different centres and be used according  
to the directions of the Provincial Committee only.

No arms shall be removed from any place in the  
district or used without the knowledge and the per-  
mission of the district organisers or the officer in-  
charge of this department,

5. Foreign Connections : This department  
shall carry on its work under the direct order from  
the C. C.

## DISTRICT ORGANISER : HIS DUTIES :

‘The district organiser shall be in sole charge of the members of the district.

‘He shall try to start branches of this association in every part of his district. In order to have efficient recruitment he should keep himself in touch with the different public bodies and institutions in his district.

‘The district organisers shall be subordinate in every way to the provincial committee who shall supervise the district into separate groups and see that the different groups do not know each other.

‘So far as possible the district organiser of any province must not know the activities of each other and if possible they must also not know each other by person or by name.

‘No district organiser shall leave his station without previously informing his superior.’

## QUALIFICATIONS OF A DISTRICT ORGANISER :

1. He must have the tact and the ability to guide and handle men of different temperaments.
2. He must have the capacity to grasp political, social and economic problems of the present day with special reference to his motherland,
3. He must be able to grasp the spirit of the history of India, with special reference to the particular civilisation which India has evolved.

4. He must have faith in the mission and the destiny of a free India, which is to bring harmony in the different spheres of human activities both spiritual and material.

5. He must be courageous and self-sacrificing without which all his brilliant qualities will have no real value.

### PROVINCIAL COUNCIL AND CENTRAL COUNCILS :

P. C. and C. C. members must see that every member of this association gets full scope and ample opportunity to develop and use his individual abilities, without which the association will tend to disintegrate.

### PROGRAMME

All the activities of the association shall be divided into two parts : Public and Private.

#### PUBLIC

1. To start associations in the forms of clubs, libraries, seva samitis and the like.

2. To start labour and peasant organisations suitable men must be engaged on behalf of the association to organise and control labourers in the different factories, the railways and in the coal-fields, and instil into their mind that they are not for the revolution but that the revolution is for them.



Similarly the Kisans must also be organised.

3. To start weekly papers in every province to propagate the idea of an independent Indian Republic.

4. To publish booklets and pamphlets with a view to enlightening the public as to the course of events and the current of thoughts as prevalent in the countries outside India.

5. To utilise the influence of the Congress and other public activities as far as possible.”

#### PRIVATE

(a) To establish a secret press and through it to publish such literature which cannot easily be published openly.

(b) To circulate such literature.

(c) To establish branches of this association in every part of the country, district by district.

(d) To collect funds in as many ways as possible.

(e) To send suitable men to foreign countries where they may get military or scientific training so that they may become military or scientific experts to take charge of armies and ammunition factories at the time of open rebellion.

(f) To import arms and ammunitions and also to manufacture them as far as possible, in the country.

(g) To remain in close touch and to cooper-

ate with the Indian revolutionaries outside India.

(h) To get the members of this association enlisted into the present army.

(i) To enlist the sympathy of the public to our cause by occasional retaliatory measures and propaganda and thus create a band of sympathisers.”

### MEMBERSHIP

“All members shall be recruited by organisers in charge of different districts in every province. Every member must be ready to devote his whole time for the association and to risk his life if necessary.

“He must obey the commands of the district organiser.

### IMPLICITY

‘He should develop his own initiative and remember that the success of the association depends much on the resourcefulness, the initiative and the sense of duty of its individual members.

“He must behave in a manner that may not prejudice the cause for which this association stands or may not do any harm directly or indirectly to this organisation.

“No member of this association shall belong to any other organisation without the consent of the district organiser.

- “No member shall leave his station without informing the district organiser about it.
- “Every member must try to avoid being suspected of revolutionary connections by the police or public.
- “Every member must remember that his individual behaviour and mistakes might lead to the ruin of the whole organisation.
- “No member shall conceal anything from the district organiser as far as his public life is concerned.
- “Members who will betray shall be punished with expulsion or death.
- “The authority of punishment shall rest entirely with the P. C.”

## DOCUMENT NO. 2

### JUDGMENT

The Hon'ble Sir Louis Stuart, Kt. C. I. E. I. C. S.  
Chief Justice

The Hon'ble Mr. Justice Muhammed Raza Khan  
Bahadur.

Between the 28th and 31st of January, 1925 a four page printed pamphlet was circulated secretly by post and by hand in the United Provinces and other parts of India. This pamphlet bore the name of no printing press. The revolutionary : An organ

of the Revolutionary party of India. It was called the first number of the first, and bore the date of the 1st January, 1925.

This was the first paragraph :

Chaos is necessary of the birth of a new star and the birth of life is accompanied by agony and pain. India is also taking a new birth, and is passing through that inevitable phase, when chaos and agony shall play their destined role, when all calculations shall prove futile, when the wise and the mighty shall be bewildered by the simple and the weak, when great empire shall crumble down and new nations shall arise and surprise humanity with the splendour and glory which shall be all its own.

In continuation it was stated that a new power had come into existence in India, that power being the revolutionary movement amongst young men, which in spite of all opposition would eventually triumph. This movement had withstood repression for twenty years. It was now stronger than ever before, and its prospects were brighter. The writer then proceeded to justify the movement on the ground that India was ruled without justification by foreigners whose authority rested on dominion by the sword. The sword of these foreigners was to be met by the sword the Indians.

The writer then proceeded to declare the immediate object of the revolutionary party which

was 'to establish a Federal Republic of the united States of India by an organised and armed revolution.' Under this Republic there would be universal manufactures and the shipping industry. The legislature would control the executive. The aims of the revolutionary party were stated to be international rather than national 'and in this respect it follows the foot steps of the great Indian Rishis of the glorious past and of Bolshevik Russia in the modern age. There would be equal rights for all communities, general cooperation and a spiritual recognition of the realities of life.

The writer continues that the time was not ripe for the disclosure of the policy and the programme of the party. The party reserved to itself freedom to associate or not to associate with the Indian Congress. Then follow the words: But this party views all constitutional agitations in the country with contempt and ridicule. After some amplification of this idea came the following passage :

Young Indian : Shake off illusions, face realities with a stout heart, and do not avoid struggles, difficulties and sacrifices. The inevitable is to come. Do not be misguided any more. Peace and tranquillity you cannot have and India's liberty can never be achieved through peaceful and legal means. The following memorable words of a great English author Mr. Robertson may serve to make the wise men of India wiser still.

The movement and programme of reform was mainly the achievement of Irish and protestant leaders to whom British statesmen had revealed the fatal secret that 'England could be bullied but not argued into justice and generosity' (England under the Hanoverians, page 197) 'Indian public leaders are still ignorant of this fatal secret or else they are foolishly wise to ignore it.' The writer then proceed to dispute the accuracy of the view that Indians were unable to drive the British out of India by force of arms.'

The pamphlet concluded as follows :

"A few words more about terrorism and anarchism. These two words are playing the most mischievous part in India today. They are being invariably misapplied whenever any reference to the revolutionaries is to be made because it is so very convenient to denounce the revolutionaries under that name. The Indian revolutionaries are neither terrorists nor anarchists. They never aim at spreading anarchy in the land, and therefore, they can never properly be called 'anarchists'. Terrorism is never their object and they cannot be called 'terrorists'. They do not believe that terrorism for terrorism's sake, although they may at time resort to this method as a very effective means of retaliation. The present Government exists solely because the foreigners have successfully been able to terrorise the Indian people. The Indian people do not love their English masters, they do not want them

to be here ; but they do help the Britishers simply because they are terribly afraid of them, and this very fear resists the Indians from extending their helping hands to the 'revolutionaries', not that they do not love them.

“This official terrorism is surely to be met by counter-terrorism. A spirit of utter helplessness pervades every strata of our society and terrorism is an effective means of restoring the proper spirits in the society without which progress will be difficult. Moreover, the English master and their hired lackeys can never be allowed to do whatever they like, unhampered, unmolested. Every possible difficulty and resistance must be thrown in their way. Terrorism has an international bearing also because the attentions of the enemies of England are at once drawn towards India through the acts of terrorism and revolutionary demonstrations and revolutionaries are hereby able to form an alliance with them, and thus expedite the speedy attainment of India's deliverance. But this revolutionary party has deliberately abstained itself from entering into this terrorist campaign at the present moment even at the greatest provocation in the form of outrages committed on their sisters and mothers by the agents of a foreign government, simply because the party is waiting to deliver the final blow. But when expediency will demand it the party will unhesitatingly enter into a desperate campaign of terrorism, when the life of every officer and the

individual who will be helping the foreign rulers in any way will be made intolerable, be he Indian or European, high or low. But even then, the party will never forget that terrorism is not their object and they will try incessantly to organise a band of selfless and devoted workers who will devote their best energies, towards the political and social emancipation of their country. They will always remember that the making of nations require the self-sacrifice of thousands of obscure men and women, who care more for the idea of their country than for their own comfort or interest, their own lives and the lives of those whom they love.

VIJAY KUMAR

President, Central Council

The R.P. of I.

Many copies of this pamphlet are proved to have been distributed over districts in the United Provinces between the 28th and the 31st January, 1925. Inspector Master proved that three hundred and six copies were received in eighteen districts in this province and handed over to or recovered by the Government authorities. The recipients were for the most part school masters and school boys. Copies were also distributed in other provinces.

In all cases the source from which these pamphlets had come was not revealed.



Chief Court Judgement—Conspiracy discussed (65) pp.

We find that it is proved overwhelmingly that a conspiracy came into being in the United Provinces in July, 1924 to deprive the King Emperor of the Sovereignty of British India, and that the persons who were controlling the conspiracy as the inner circle further conspired to commit dacoities in which fire-arms were intended to be used, in order to obtain funds with which to purchase arms and ammunition, and to carry on revolutionary propaganda. We find that the evidence clearly shows that those persons contemplated that the fire arms should be used in order to enable the dacoities to be committed effectively and with impunity, that they foresaw and realised that murder was probable as likely consequence of those dacoities and that thus it is established that there was within the conspiracy to deprive the King Emperor of his sovereignty of British India, a conspiracy to commit dacoities with murder.

In respect of the meeting at the Vaishya Orphanage at Meerut we find after having heard the arguments of the learned Counsel and considered the evidence for the defence, which has been produced upon the point, that certain members of the revolutionary party among whom were Ram Prasad, Rajendra Nath Lahiri and Suresh Chandra Bhattacharji collected at Meerut in the residential quarters of Vishnu Saran Dublis in the

Meerut Orphanage and there held a secret meeting which was watched by Sub-Inspector Brahma Singh and Pheru Singh whom we find to be reliable witnesses. Their identifications were in each instance supported by their picking out the man identified from a crowd in a jail and repeating identification in Court. The only construction which we can place upon the documentary evidence on this point is that the meeting was pre-arranged meeting of the Revolutionary Society. We find that an attempt was made to mislead by stating that on the 13th September, 1925, the date of the meeting of Committee of the Orphanage whereas no such meeting was in completion and whereas no such meeting was held. We interpret the reference in the intercepted letters sent by Rajendra Nath Lahiri to the unknown person in Calcutta as a request to that person to join this meeting. The letter exhibit P 482 which was in the handwriting of Ram Prasad requesting the recipient to attend a meeting at the Orphanage on the 13th September, 1925 of the Shradh ceremony of their grandfather was a summons to this meeting in Meerut. The Shradh ceremony amongst Hindus is a ceremony held usually annually in which surviving male relations offer obligations to the memory of deceased male ancestors. There could have been no such ceremony in which Ram Prasad and the unknown recipient of the letter could have shared and the use of the word Orphanage is very significant.

We shall refer later to the incident of the Meerut meeting in connection with those of the appellants who, we find, participated in it.

JOGESH CHANDRA CHATTERJI  
CHIEF COURT

This man as has already been stated, is a resident of Bengal of over thirty years of age. The evidence against him which shows that he was one of the conspirators is that of Banarsi Lal. He is also mentioned by Banwari Lal in his confession. If this evidence is accepted there cannot be the slightest doubt as to the fact that he was a member of the Revolutionary Party. It is corroborated by the fact that both Banwari Lal and Banarsi picked him out of a crowd in jail identification proceedings as the man to whom they referred. This evidence however is not the main evidence against him. The main evidence against him which corroborates the evidence contained in Banarsi Lal's deposition and Banwarilal's confession is the evidence that when he was arrested on the 18th October, 1924, exhibit P. 198 containing an account of the meeting of the Revolutionary Party was found in his possession. This evidence not only strongly corroborates the evidence of the accomplices but in itself would be

sufficient for his conviction if believed. It is as follows :

Inspector Muhammad Ismail of the Bengal Criminal Investigation Department has deposed that he was on duty in the neighbourhood of the Howrah Bridge, Calcutta, on the 18th October, 1924. He saw Jogesh Chandra Chatterji in the precincts of the Howrah Railway Station. He says that he had heard his name before but did not know him before. He considered his behaviour suspicious and followed him over the Howrah Bridge to the junction of Harrison Road and Strand Road. There he apprehended him as a suspect and took him to a shop close to the place of the arrest where he searched him in the presence of two witnesses who were selected at random. Jogesh Chandra Chatterji was made to sit on a bench in front of the shop. While the Inspector was searching his inside pocket Jogesh Chandra Chatterji took a paper from his lower left hand outside pocket and let it fall in the 'takhat' (platform) beneath the bench.

This paper was Exhibit P. 198. We have already given the contents of this paper. If this story is believed, there cannot be the slightest doubt as to the guilt of the appellant. Kabiraj Bhuban Mohan Das, a search witness, was called to prove the discovery of Exhibit P. 198 from the possession of the appellant. He has corroborated Inspector Muhammad Ismail absolutely. In his statement

before the special Sessions Judge, the appellant put up the defence that Exhibit P. 198 had not been found in his possession. His case was that the police officers, who had arrested him, had brought this paper with them, and had planted it on him. He called the other search witness Kalidas Ghosh in his defence. He also called two other witnesses to show that on certain dates he could not have been in the United Provinces. He was defended in this court by Mr. N. C. Dutta who confined himself to criticising the evidence for the prosecution. He has been unable to explain how Banarsilal who is a resident of Shahjahanpur and Banwarilal who is a resident of Rae-Bareli could have been in any position to identify Jogesh Chandra Chatterji as they did identify him, if they had not known him before. In respect of the discovery of Exhibit P. 198 Mr. Dutta has been unable to shake the evidence of the prosecution witnesses. Kalidas Ghosh, the witness of the search who was called as a defence witness, has not supported the appellant's statement as it was dropped from the side of appellant opposed to the side on which the witness was standing. Kabiraj Bhuban Mohan Das has stated that he saw the appellant let fall the paper and that he picked it up. His words are, "At the search while the Inspector was searching his pockets Jogesh let fall a paper on the takht on which I was sitting. I picked it up while both I and the inspector tried to

do so and I gave it to the Inspector.” This was Exhibit P. 198. The appellant stated that when the paper was discovered he protested loudly. Kalidas Ghosh had no recollection of his making any protest. The other two witnesses Prafulla Chandra Chakravarti and Jitendra Bhattacharji do not appear to us to be reliable witness and in no circumstances would their evidence be of great value. The appellant appears to have taken some exception to the fact that a certain witness whose evidence he desired was not called. We find there is no foundation for this objection. A summons was issued for the attendance of this witness. The witness who resided in Calcutta (Medical Certificate was of the Civil Surgeon of Comilla not of Calcutta) sent a medical certificate stating that he was unable to attend and no further steps were taken by the appellant to procure his evidence. The suggestion that Exhibit P. 198 was planted upon the appellant is apart from the evidence a suggestion which can hardly be argued seriously on the date of the appellant’s arrest on the 18th October, 1924. Neither the United Provinces Police nor the Bengal Police had any suspicion that there was a specific Revolutionary Party in the United Province with an organisation that had developed as far as the holding of meetings. As has already been noted, the clue afforded by Exhibit P. 198 was not followed up at the time. It is true that Rai Sahib Durga Prasad, Deputy Superintendent of Police

in the Criminal Investigation Department, who stated that in July, 1924 there was some sort of a Revolutionary Society and that a man who called himself "Roy"—that is to say the appellant who passed under the name of Roy—was visiting the United Provinces. But he did not communicate his suspicions otherwise than in his confidential diaries to any one until the 19th November, 1924 (a month after the appellant's arrest and the discovery of Exhibit P. 198) when he warned the Superintendent of Police, Shahjahanpur in Exhibit P. 658 of the possibilities of dacoities being committed by Political criminals in the Shahjahanpur district. We believe the evidence of Banarsilal and the statement of Banwarilal and we believe Inspector Muhammad Ismail and Kabiraj Bhuban Mohan Das as to the account which they give to the discovery Exhibit P. 198. We accordingly find that the appellant Jogesh Chandra Chatterji has been rightfully convicted on the charges on which the learned special Sessions Judge convicted him.

### DOCUMENT No. 3.

Proceeding of the Council Meeting at Kanpur on 3rd October, 1924, Exhibit 198, in the Kakori Conspiracy Case.

On the 18th October, 1924, Jogesh Chandra Chatterji was arrested in Calcutta as a suspicious

character. He was arrested by members of the Calcutta Police force. We shall consider the circumstances of his arrest when we consider his individual case. We note here that we are satisfied that on his arrest a paper (Exhibit P. 198) was found on him. The following was written on this paper in a handwriting unknown :

“A meeting of the P. C. was held on the 3rd October, 1924, in which five among six attended. The following resolutions were passed :

1. Keeping in view the fact that more or less efficient representatives acting as or in capacity of district organisers are already posted in the following districts : Banaras, Allahabad, Pratapgarh, Kanpur, Lucknow, Fatehpur, Jaunpur, Etawah, Agra, Aligarh, Jhansi, Hamirpur, Farakkabad, Mainpuri, Mathura, Bulandshahar, Meerut, Delhi, Etah, Bareilly, Pilibhit, Shahjahanpur, Muzaffarnagar.

The remaining district of these provinces be thus divided among the said organisers so long as sufficient number of efficient men are not available to act as district organiser in each district.

- I. Banaras, Mirzapur, Ghazipur, Ballia, Jaunpur, Azamgarh, Basti, Gorakhpur, Rae-Bareli.
- II. Kanpur. Rae-Bareli, Gorakhpur, Unnao.
- III. Jhansi, Banda.
- IV. Aligarh, Anupsahar.



- V. Meerut, Saharanpur, Dehra Dun, Almora, Bijnor, Budaun, Moradabad.
- VI. Shahjahanpur, Nainital, Garhwal, Lakhimpur, Sitapur, Hardoi.
- VII. As at present there is no member to represent the Fyzabad division consisting of Fyzabad, Bahraich, Gonda, Bara Banki and Sultanpur, it is resolved that suitable member be sent there to take charge of the centre at the earliest opportunity.
2. That at least rupees one hundred (considered to be the least expenditure in case of dire necessity at present) be raised by subscription from members and sympathisers of the following centres :
- Banaras, Kanpur, Jhansi, Meerut and Shahjahanpur, the sum being contributed equally by each centre.
- (a) That at least a subscription of annas four be realised every month from each member of the Association.
- (b) That the above resolution is to be given effect to within the next two months.
3. That the meeting recognises that the total number of its members upto the present time is about one hundred : the following being the total strength in each centre—
- Banaras to Jhansi 15 ; Aligarh 12 ; Meerut (not yet received) ; Shahjahanpur 8.

4. That the meeting is of the opinion that the following immediate steps be taken as regards its propaganda through newspapers and magazines which can be utilised by the members of the different centres :
  - (A) To set up a campaign against the C. I. D. activities.
  - (B) To set up a campaign against the repressive laws and measures.
  - (C) To criticise the Congress activities that hinder the work of the Association.
  - (D) To preach social revolutionary ideas and Communistic principles.
  - (E) To collect stories, episodes and other materials for publication.
5. That the department of money collection be at present placed under the sole charge of No. 2, 4 and 6 subject to occasional supervision by the P. C. All informations regarding this department from different centres be submitted to the said No. 2, 4 and 6.
6. That instead of 5 departments as mentioned in the General Constitutional rules and regulations only 2 departments be set up at present :
  - (a) Propaganda to be guided by Nos. 1, 3 and 5.
  - (b) Collection of funds and arms by Nos. 2, 4 & 6.
7. That all the General Constitutional rules and regulations to be enforced to their entirety ex-

cept the 6th resolution which was accepted after amendment for the present.

8. That every possible care be taken as regards the secrecy of the activities of the Association. That every district organiser should try his best to help the local clubs and associations started with principles which may directly or indirectly promote the causes of revolution and to try to become members of the Congress and take part in its activities whenever advisable putting in view the rules of the Association.
10. That every district organiser should make arrangements to visit neighbouring villages and labour centres with the object of gaining their sympathy.
11. That to provide workers with work it is necessary to divide the district activities into three channels :
  - (a) Village works
  - (b) Secret works
  - (c) Local social functions and activities connected with clubs and associations.

## CHAPTER XI

### MY STATEMENT BEFORE THE SESSIONS COURT

Q : Do you want to state anything about your arrest in Calcutta ?

A : I was arrested at the junction of the Strand Road and Harrison Road where I had stopped to catch a tram. As soon as I had asked my coolie to hand over my suitcase to me, Inspector Md. Ismail suddenly caught hold of my hands. Sub Inspector Gupta placed his hands round my waist from behind me and Asstt. S. I. Biswas held a photo of mine before my eyes saying in Bengali, "Jogesh Babu, here is your photo." Then and there Md. Ismail felt my pockets and then they took me off eastwards on the footpath of Harrison Road towards Barrabazar Police Station, which was about 200 yards ahead of us. After passing 12-14 shops they suddenly stepped into the dispensary of the witness Bhuban Mohan Das. As soon as we stepped into the shop some person in the shop who was of dark complexion and thin in appearance warned us not to sit on the benches as they were newly painted. After this, this man went away. Then Md. Ismail called a person who was passing by on the road and he was Kalidas Ghosh. Ismail

asked him to stand as witness. A little after this Bhuban Mohan Das, who was inside the shop suddenly made a sign to Ismail and the latter who was sitting on the right to me on the bench stood up, went to my left side and picked up a paper which was already lying on the takhat folded up at a little distance from me, I raised an alarm as Ismail said that the paper was found with me. I wanted to see the paper but was not allowed to. Upto this time my personal search had not begun. After this Ismail made me sit on another bench opposite to the former one and began my personal search. All this time the search witness, Kalidas Ghosh was standing. After the search was over the witnesses were requested to sign the search list. Kalidas Ghosh first made the upper note on Exhibit 198 signed by him and then when pressed by the police he added the lower note. At this time the proprietor of the shop was also present there so far as I remember. After this I was taken off to the C.I.D. office Special Branch and then kept in Lalbazar lockup for a week, under section 54 and after this on the 25th October sent to the Presidency Jail under Bengal Ordinance which was promulgated that very day...I came to Banaras in the rainy season of 1923 for a change and remained there during the winter...and went back to Calcutta.

Sarat Bhattacharya was a true witness but Kartik Chatterjee was a false one. I did never know where Kalyan Ashram was.

Q : Why this case against you ?

A : This case has been brought against me as since 1916 I have been a victim of police oppression. I was arrested in 1916 by the C.I.D. who endeavoured to make out a case by extorting a confession from me and they threw me into prison by making false report against me. Contrary to law I was not allowed to make representation to the Government from the Presidency Jail.

As the result of a hunger strike in the summer of 1918 I was transferred to the Rajshahi Central Jail. I then took the earliest opportunity of sending a representation to the Governor General in Council, complaining against the barbarous tortures inflicted on me by the C.I.D. Special Branch, Calcutta. This led to strong comments by the press and this was the reason why I was made a target of oppression in subsequent years. Exhibit D. 48 is an extract of my petition with allegations against the police.

Detenus under D.I.A. (Defence of India Act) were released as a result of Royal Proclamation, but I was not released till September next year as I was in the evil eyes of the police and my release was through Sir Hugh Stephenson, the then Chief Secretary to the Government of Bengal.

In the latter part of July 1920 the D.I.G., C.I.D. Mr. Dixon, came to see me in Rajshahi Jail. In the interview I wanted a chair to be supplied but he refused and went back to Calcutta without any

interview. This matter was shortly after published in the Amrita Bazar Patrika with strong editorial comment.

About a fortnight after this Sir Hugh Stephenson came to see me in Rajshahi Jail and as a result of this I was released within a fortnight.

But I had to wait for more than a year to find an opening for the proper direction of my energy by starting a factory at Comilla known as the House of Labourers. My success in this did not give satisfaction to the police ; though within a year it was visited by the Chief Chemist, etc.

In the summer of 1923, Mr. Hodson, the then S.P. of Comilla came to see the factory and was shown everything. About a month after this, Mr. Mazumder, Inspector, C.I.D., came to the office and demanded the attendance register from me. I refused this as it involved the prestige of the House and he went away saying that he would come one day with a warrant and take away all the records.

My correspondence was interfered with and the business suffered a good deal as I was the manager. Twice I wrote the Government but was not heeded to. A boy employee was made a police informer and he was turned out of the House. This infuriated the police and that is why I could not return to the House after my return to Calcutta from Banaras.

After my arrest in 1924. the police had grudge

against me as was evidenced by the brutal method of transferring me bare-bodied from Berhampore Jail to Hazaribagh in November, 1925. A censor motion against the Government moved by Mr. J. M. Sengupta was passed by a majority of 8 votes in the then Bengal Legislative Council.

One evening I was called to the jail gate during exercise time. The police asked me to sign a transfer order. I went to the jail office where was the S. P. while I had no clothes on. He did not allow me to go inside to take food and to take my property. I refused to take the journey in the cold without warm clothes, but the police carried me on their shoulders from carriage to carriage and train to train, all the way to Hazaribagh Jail in Bihar. This journey with no clothes on for two winter nights caused me fever on the way. At the Hazaribagh Jail gate my temperature was 102° and later in the night it rose to 105° and for a week I was in jail hospital. This is a specimen of the treatment I received at the hands of the police.

#### AINUDDIN ABOUT ME IN COMMITTAL ORDERS

“He also came in for a detailed discussion and there is nothing more to be said about him. He was one of those who came from Bengal to establish revolutionary societies in these provinces and exhibit P. 198 is enough to show the leading part he took in this conspiracy. I have no doubt that



but for his premature arrest and detention under the Bengal Ordinance, he would have played a still more important part in this Conspiracy.”

Under the head-line *Direction from Bengal*, the Special Sessions Judge, Mr. Hamilton states :

“One may in fact state that it was directed from Bengal. Ten accused are Bengalees and two, Jogesh and Kar, are from Dacca. Sanyal was arrested in Bengal and published white leaflets in Bankura. Lahiri was arrested in Dakshineswar House. Bengalees were members who used to come to see Ram Prasad at Shahjahanpur. Lahiri was connected in correspondence with Kali Babu and Kamini Kaka, attended Meerut meeting on 14th September, 1925. (Here the Judge takes Kali Babu and Kamini Kaka to be two persons, but both were the secret party name of martyr Jatindra Nath Das.)

“Jogesh arrived in Calcutta in possession of 198, must have been taking to leaders in Calcutta.”

## THE SPECIAL SESSION JUDGE ON BANARAS

Banaras appears to have been the centre in the U. P. excepting as regards dacoities.

The yellow leaflets were drafted and redrafted there, the white leaflets were despatched from there to other conspirators for distribution in U. P. Lahiri lived there and Ram Prasad and Banwari used to go to him there, the Sanyal family once lived there ; Jogesh Chatterji stopped for some-

time there when he came to the U. P. Mukandilal was arrested there, M. N. Gupta lived there, Raj Kumar Sinha studied there, Ram Kishan Khatri was there from time to time, Ram Nath Pandey lived there, S. N. Sanyal formerly lived there, Suresh Bhattacharjee came from there, S. N. Bakshi who was absconding came from there, Chandrasekhar Sharma or Azad lived there and Damodar Swarup was a master there,

The Chief Court Judges, Chief Justice Sir Louis Stuart and Justice Khan Bahadur Muhammad Raza in their judgement on Jogesh Chandra Chatterji said :

“We are satisfied upon the evidence that Jogesh Chandra Chatterji was one of the persons who originally conceived the idea of the conspiracy and that he was a member of what the rules called ‘The Central Council’ which operated in Bengal. In these circumstances he must be held responsible for all the very serious offences committed by the conspirators.”

### SESSIONS JUDGE ON JOGESH CHANDRA CHATTERJI

The recovery of Exhibit p. 198 is sufficient to show that this accused was an important revolutionary, who after working in the U. P.. was bringing back a report to the leaders in Bengal.

Banwarilal, confessing accused, who identified Jogesh in jail, states that he had met Jogesh in the

summer of 1923 in Allahabad and had later been given his name by Lahiri. Some 15 days after that Banwari had brought a copy of 'Bandijiban' from a hawker, Jogesh spoke to him, asked how he had liked the book and offered him more books.

This gave rise to several other meetings and an invitation to start a branch of the revolutionary society at Pratapgarh.

Again in 1924 Banwari got a letter from Jogesh Chandra from Kanpur and he went and met him there and was introduced by Jogesh to Lahiri and on the anniversary of Jallianwala Bagh Day Jogesh came to Pratapgarh.

Jogesh asserts that he was in Bengal in the summer of 1923 and two witnesses are produced, Prafulla Chakravarty and Jiten Bhattacharjee.... That so many partners in this firm should be ex-detenus cannot be a mere coincidence and if some were engaged in revolutionary activities and Jogesh certainly was at a later period, nothing was easier than to mark a man present, although he may not have been.... I cannot place reliance on these witnesses.

If there is no corroboration as to the presence of Jogesh in U. P. in the hot weather of 1923, there is as to September or October."

Here the Judge disbelieves the two important defence witnesses and even the Attendance Register of House of Labourers which earned high praises from many eminent men of Bengal like Ramananda

Chatterjee, the editor of the Modern Review and Sir P. C. Roy, the pioneer of modern Chemistry in India. Such were the trials in political cases in British India.

The Judge first disallowed all the names of my defence witnesses, including the name of an eminent businessman-philanthropist, Mahesh Chandra Bhattacharya, the proprietor of M/s M. Bhattacharya & Co. and the prosecution even refused to give the address of their search witness on my arrest in Calcutta in October, 1924. I mean Kalidas Ghose, whom the prosecution would have produced as the prosecution witness. I, therefore, withdrew my defence expressing no confidence in the court. Then some of the witnesses were called including Mahesh Chandra Bhattacharya. He submitted a certificate from the Civil Surgeon of Comilla that due to old age he could undertake the journey only after halting one day in Calcutta and another day at Banaras. But he was not summoned. My witnesses were declared unreliable and so also was the fact of the entry in the Register of the House of Labourers.

The Special Public Prosecutor, Pandit Jagat Narain, totally failed to break search-witness Kalidas Ghose, an employee of the Imperial Bank. But the Judge came to his rescue and put such leading questions that the Government employee had to say things wanted by the judge.

Regarding my case, both the Sessions Court and

the Chief Court have given too much importance on my identification by approver Banarsilal and the confessing accused Banwarilal. But the fact that my fresh photos were taken by the Bengal C. I. D. men recently in Berhampore Jail, could nowhere be found. I have searched the whole record but it is not there. There were two Englishmen and two Muslims and they were bent upon crushing the revolutionaries at any cost. After our case was over, Ainuddin was made a Khan Sahib which offended him, but it was amended by his English masters, when he was made a Khan Bahadur.

#### CHIEF COURT ON JOGESH CHANDRA CHATTERJI

I have given what the Magistrate stated about me in his Committal Order. The same was the attitude of the Special Sessions Judge. Let me again refer to what the Chief Court, the title holder Englishman Chief Judge and his title holder Muslim colleague say about me.

Police is supposed to be the custodian of law and order in a country. Their task, of course, is hard and unsmooth; but if the police also adopts vicious and filthy means to get their work done by hook or crook, it does not serve the purpose of administration. In my case when I was arrested in Calcutta, the search was not made on the spot. I was led to a Kabiraj's dispensary where the assistant of the Kabiraj was a police

informer and helper. In the court he was presented as the Kabiraj. Now the question arises if the police indulges in such malpractice, is it not the duty of courts to judge the facts dispassionately and impartially and never to align themselves with any particular side and more definitely with the side of prosecution? The prosecution is always the stronger side as it possesses adequate means to prepare its side but the defence is always weaker. If the court also becomes direct or indirect helper of the prosecution and tries to let down the defence attempt at every point, there remains no chance for any justice. The independence of judiciary and supremacy of law have got no meaning if the prosecuting and convicting authorities align themselves together. This is what exactly happened in the case under discussion. The committing magistrate was all along for the police and then in Sessions defence was continuously disturbed, interrupted and let down by the court. So many times this act of court reached such disgusting point that we thought it completely useless to produce any defence. When only physical might was to be considered right, there was no place of defence and arguments.

In the British Raj when the sole motive of administrators was to keep the Government running, they adopted all possible treacherous means and ignoble method. It would not be out of point here if I cite a few glaring examples. During the

Kakori trials the committing magistrate and the Sessions Court noticed only those facts which served the purpose of the prosecution. Though Mohammad Ismail of Calcutta Special C. I. D. was on duty at the time of my arrest and he followed me like a shadow, he gave the statement that he had gone to the Railway Station casually and was not on duty there. Though I was arrested on the crossing of Harrison and Strand Road but my search was made in a dispensary of a Kabiraj which was not very near the place of arrest. It was done because the Assistant of the Kabiraj was a police informer and police could get anything done in its favour from him. Another interesting incident that points the conspiracy between the court and prosecution can be seen from the fact that N. C. Dutta was enforced upon me as my defence lawyer. I neither appointed him nor even approved the idea that he should argue for me. Again self-contradiction is evident when it was said that Rai Bahadur Durga Prasad warned the Superintendent of Police of Shahjahanpur of the possibilities of dacoities being committed by political criminals in Shahjahanpur district on the discovery of Exhibit 198, whereas the committing magistrate accused and condemned the Bengal Police for not intimating the U. P. Police the exhibit 198 till the Kakori arrest. These are a few examples of the malpractices of police and the conspiracy of courts with them.

### HAND WRITING EXPERT

Reference has already been made to one very important paper, the copy of the proceedings of the meeting of the Provincial Council which was written in my own handwriting and was supposed to have been seized by the Police from my person at the time of my arrest. When I was in Berhampore district Jail, the specimen of my handwriting was taken by the C. I. D. officers. When I gave the specimen of my handwriting I was quite successful in changing the style of my handwriting. I wrote in bold letters and straight style. The result of the change was that when this document was produced in Kakori case, the expert, police and court could not come to any agreed decision. The court wrote about those papers as written by unknown hand. Even the committing magistrate, Syed Ainuddin, got a bit annoyed and said that the papers were discovered from my person and so I must be held responsible.

In law courts where fates of accused are decided and any wrong noting of the judges can give fatal blows to innocent persons, extreme reliance on handwriting experts who are never very correct, may easily lead to a travesty of law. Evidence is the backbone of legal proceedings and if it is relied upon blindly, the real cause of justice can never be served. In the Kakori Case, the expert identified the writing of Ram Prasad Bismil who wrote only one word 'Premkishan', but I wrote two full pages



and that could not be ascertained. This one instance shows how far it is correct to rely on the authenticity of experts' opinion. But it is a painful fact that it is always recognised by the law courts.