

25, 1969

IN THE PRIVY COUNCIL

No. 11 of 1968

O N A P P E A L
FROM THE SUPREME COURT OF CEYLON

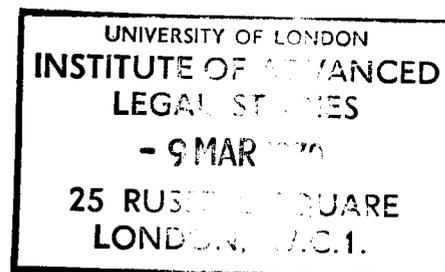
B E T W E E N :-

THIRUMAN PALANIMALAY VEERAPPEN
Appellant

- and -

THE ATTORNEY GENERAL
Respondent

R E C O R D O F P R O C E E D I N G S



A.L. Bryden & Williams,
20, Old Queen Street,
London, S.W.1.

Solicitors and Agents
for Appellant.

Hatchett Jones & Co.,
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London, E.C.

Solicitors and Agents
for Respondent.

O N A P P E A L
FROM THE SUPREME COURT OF CEYLON

B E T W E E N :-

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R E C O R D O F P R O C E E D I N G S
I N D E X O F R E F E R E N C E
P R O C E E D I N G S R E P R O D U C E D

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EXHIBITS TRANSMITTED TO THE
PRIVY COUNCIL BUT NOT REPRODUCED

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O N A P P E A L
FROM THE SUPREME COURT OF CEYLON

B E T W E E N :-

THIRUMAN PALANIMALAY VEERAPPEN
Appellant

- and -

THE ATTORNEY GENERAL
Respondent

10

R E C O R D O F P R O C E E D I N G S

No. 1

PART JOURNAL ENTRIES

In the
Magistrate's
Court

8.7.66:

Further Trial (3)

Accused: P. Weerappen - present.

Vide typed proceedings.

Addresses on 15.7.66.

No. 1
Part Journal
Entries,
8th and 15th
July and 7th
August, 1966.

20

Intd: M.S.
Magistrate, Badulla.

15.7.66: Accused: P. Weerappen.

For Address.

Mr. Sittampalam addresses me.

As Mr. Wickremanayake is unable to be
present today I will postpone this for
further addresses on 30.7.66.

30

Intd: M.S.
Magistrate, Badulla.

In the
Magistrate's
Court

No. 1
Part Journal
Entries,
8th and 15th
July and 7th
August, 1966.
(Contd.)

30.7.66: Accused: P. Weerappen.

Further addresses.

Verdict on 7.8.66.

Intd: M.S.
Magistrate, Badulla.

7.8.66: Accused: P. Weerappen.

10

Verdict delivered in open Court in the
presence of the accused and his
Proctor.

I acquit the accused.

Intd: M.S.
Magistrate, Badulla.

3.

No. 2
PLAINT

In the
Magistrate's
Court

IN THE MAGISTRATE'S COURT OF BANDARAWELA

This 26th day of August 1965.

No. 2
Plaint,
26th August,
1965.

10 I, H.D. Alexander, P.S. 6481 of the Criminal
Investigation Department, Colombo, in terms of
section 148(1)(b) of The Criminal Procedure Code
(Chapter 20), hereby report to the Court that
Palanimalay Veerappen, Line No. 9 Lower Division,
Haputale Estate, Haputale, on or about the 26th
day of August, 1958 at Bandarawela within the
jurisdiction of this Court, did sign a document
to Wit:

20 Application for a certificate of citizenship
by descent, to be issued by the Minister of
Defence and External Affairs in terms of Section
6 of the Citizenship Act (Cap. 349) with the
intention of causing it to be believed that the said
document was signed by Veerappen son of Thiruman,
(who was born to Thiruman and Lechemey on Sherwood
Estate on 1st May, 1918, and in respect of whose
birth the Birth Certificate No. 41904 had been
issued by the District Registrar of Badulla on
12.6.58) by whom or by whose authority he knew
that the said document was not signed, and he has
30 thereby committed an offence punishable under
Section 454 of the Penal Code.

(List of 44 witnesses' names, addresses
and descriptions not reproduced)

In the
Magistrate's
Court

No. 3
PROSECUTION EVIDENCE
H.S. ALEXANDER

No. 3
Prosecution
Evidence.
H.D.Alexander,
6th September,
1965.

H.D. ALEXANDER: Sworn, P.S. 6481, Criminal Investi-
gation Department, Colombo.

In Chief

Consequent on a complaint dated 21.6.62 by the
Permanent Secretary to the Ministry of Defence &
External Affairs, on authority obtained in terms of
Section 129(1) of the Criminal Procedure Code on
5.7.62, I investigated this case. I produce marked
P4, the application for Citizenship dated 15.8.58
in terms of the Section 6 of the Citizenship Act
made by the accused in the name of Tiruman alias
Palanimalai Veerappan son of V. Thiruman. Mr. D.
Fedrick William Perara, Justice of Peace,
Bandarawela has stated that the accused signed P4
in his presence. I produce P8, the Employees
Provident Fund record card of this accused dated
26.8.59. Mr. M. Sinnadorai, Clerk, Haputale
Estate, Haputale who filled in P8 has stated that
accused gave his name as Veerappan son of Palanima-
lai.

10

20

Sgd: Alexander PS 6481.

Read over to the witness
in open court in the
presence of the accused
and admitted by the
witness to be correct.

Sgd: M. Shanmugalingam
Magistrate, Badulla.

30

No. 4
S. RAMBUKWELLA

In the
Magistrate's
Court

10.3.66: Accused present.

Mr. Sivasubramaniam for him.

I.P. Samarasinghe for the prosecution.

No. 4
Prosecution
Evidence.
S.Rambukwella,
10th March,
1966.

10 Calls:

S. RAMBUKWELLA: Affirmed, 37 years, Clerk,
Kachcheri, Kandy.

Examination

20 In July 1958 I was the subject clerk in the
Citizenship Division of Ministry of External
Affairs. On 7.7.58 I received application P1.
I produce it marked P1. On 9.7.58 I posted the
Questionnaire P2. On 18.7.58 P2 was sent back
duly perfected. In P2 the applicant has stated
that he and his father were born in Ceylon. There-
after I sent P13 to the applicant - a letter
saying that you and your father were born in
Ceylon. Thereafter I received P3 from the
applicant. I sent P4 relevant application form.
On 29.8.58 I received P4 duly perfected along
with P14 Birth Certificate. In P4 the Applicant
has stated Thirmuni alias Palamane Weerappan.
P14 is the birth certificate of Weerapan Thiruwan.
Thereafter P15 was issued No. D2499.

Sgd: S. Rambukwella

30 10.3.66

Read over to the witness in
open Court in the presence
of the accused and admitted
by the witness to be correct.

Sgd. M. Shanmugalingam
Magistrate.
10.3.66

Intd: M.S.
Magistrate.

In the
Magistrate's
Court

No. 5

N. SINNADURAI

No. 5

Prosecution
Evidence.

N. Sinnadurai,
10th March,
1966.

Examination

N. SINNADURAI: Affirmed, 36 years, Clerk,
Cocogala Estate, Madulsima.

On August 58 I was attached to Haputale
Estate, Haputale. I wrote an application form P8.
In this application this accused gave his name
Weerapan and his father's name as Palanimalai. He
has stated that he was born in South India. I
knew this accused. He is Weerapan son of Palani-
malai.

10

Sgd: N. Sinnadurai

Read over to the witness
in the presence of the
accused and admitted by
the witness as correct.

Sgd: M. Shanmugalingam
Magistrate
10.3.66

7.

No. 6

H.D. ALEXANDER:

In the
Magistrate's
Court

H.D. ALEXANDER: Sworn, Police Sergeant, Criminal
Investigation Department, Colombo.

No. 6
Prosecution
Evidence.
H.D.Alexander,
10th March,
1966.

10 I made investigation into this case. This
accused had made an application for certificate of
citizenship under the name of Thurimal alias
Palimane Weerappan. According to inquiries his
name is Weerapan son of Pannimalai. This accused
made an application in the wrong name.

Examination

Sgd: Alexander PS 6481

Read over to the witness in
open court in the presence Sgd: M. Shanmugalingam
of the accused and admitted Magistrate
by the witness to be correct. 10.3.66

20 Int.: M.S.
Magistrate

In the
Magistrate's
Court

No. 7

CHARGE SHEET

No. 7
Charge Sheet,
10th March,
1966.

SUMMARY FORM NO. 1B

Palanimalay Weerappan,
Haputale Estate, Haputale.

CHARGE SHEET

(Summary Trial by Magistrate who is also
District Judge)

10

(SECTION 152(3))

Being also a District Judge having jurisdiction
to try the offence, I am of opinion that this
offence (though not otherwise summarily triable by a
Magistrate's Court) may properly be tried summarily
for the following reasons:-

1. Facts Simple.
2. Expedient disposal as the offence was in
1958.
3. No complicated question of law.

20

The accused is so informed and charged as
follows:-

You are hereby charged, that you did, within
the jurisdiction of this Court at Bandarawela on
26th August 1958.

Did sign a Document to wit: Application for a
Certificate of Citizenship by descent, to be issued
by the Minister of Defence & External Affairs in
terms of Section 6 of the Citizenship Act (Chapter
349) with the intention of causing it to be
believed that the said Document was signed by
Weerappan S/O Tiruman, (Who was born to Tiruman and
Lechemey on Sherwood Estate on 1st May 1918, and in
respect of whose birth the Birth Certificate No.
41904 had been issued by the District Registrar of

30

9.

Badulla on 12.6.58), by whom or by whose Authority you knew that the said document was not signed, and you have thereby committed an offence punishable under Section 454 of the Penal Code.

In the
Magistrate's
Court

The charge having been read and the accused (or each accused) having been asked if he has any cause to show why he should not be convicted he states as follows:

No. 7
Charge Sheet,
10th March,
1966.
(Contd.)

10 I am not guilty.

Sgd: M. Shanmugalingam

Magistrate

10.3.66.

In the
Magistrate's
Court

No. 8
COURT NOTES

No. 8
Court Notes, 7.5.66
7th May, 1966.

Accused - Present.

Mr. Adv. Sittampalam instructed by Mr. Sivasubramaniam for the accused.

Mr. Wickramanayake, Crown Counsel with Mr. A.C.R. Samarasinghe of the Criminal Investigation Department for prosecution.

10

Calls:

Mr. Sittampalam states that this accused has been charged in case No. 29950 which he tenders marked D1. His position is that although this accused had been charged under different sections and since the Crown Counsel had not proceeded with the case the Crown cannot at this stage proceed with this case in the present form. I find that the present charge is under Section 454 and not one of those charges in case No. 29950. I therefore overrule the plea of autrefois acquit raised.

20

No. 9S. RAMBUKWELLAIn the
Magistrate's
CourtS. RAMBUKWELLA: Affirmed, 37 years, Clerk,
Kachcheri, Kandy.No. 9
Prosecution
Evidence.
S.Rambukwella,
7th May, 1966.

10 Between 1st September 1956 and 30th June 1961
I was attached to the Ministry of Defence & External
Affairs. On 7th July 1956 I was attending to
miscellaneous correspondence in the Citizenship
Division. I received a letter marked P1. A letter
dated 2.7.58 addressed to the Permanent Secretary
to the Defence External Affairs by one Tiruman
alias Palanimalay Veerappan, 104 Main Street,
Bandarawela, asking for a questionnaire form to be
received under Registered Post. Shown P2-on the
9th July I posted the Questionnaire Form. I
20 initialled P2 and identified P2. P2 was received
by me on 18.7.58. In P2 the writer had stated
that his father was born in Ceylon. Having con-
sidered the particulars I posted P13 to the
applicant. I produce P13A the office copy of the
document. In response to P13 I received P3 by
registered post. On 4.8.58 I issued to the
applicant document P4. P4 is an impugned document
which the applicant had to fill up and sign and
send back to the Department. P4 was received on
29.8.58 by registered post. P14 is a certified
30 copy of the birth certificate, which was received
together with the application P4. I also received
P5, P6 and P7. On 22.9.59 citizenship certificate
marked P15 was issued to the applicant. P15A
which I produce the office copy of P15.

Examination

Cross-examined:

40 I was dealing in with the applications for
citizenship and correspondence relating to citizen-
ship applications. I was dealing regarding
correspondence under Section 6, 11A and other
sections. All registered letters are opened by
the O.A. of the Ministry and then sent to the
Citizenship Division. The Head Clerk signs and
takes these letters and distributes to the subject
clerks. We receive about 50 to 60 letters and
sometimes 100 letters. When I receive a letter I
read the contents. I had filled up particular
portions of P2 on the information available on P1.
I read the particulars in P2.

Cross-
examinationRe-examined: Nil.

In the
Magistrate's
Court

No. 10

T.G. DESSA

No. 10

Prosecution
Evidence.
T.G. Dessa,
7th May, 1966.

T.G. DESSA: Sworn, 43 years, Clerk, Ministry of
Defence & External Affairs, Colombo.

Examination

I was attached to the Citizenship Branch in the
Ministry of Defence & External Affairs. P15 is the
certificate of registration. On 24.9.59 I posted
P14 and P15 to the Applicant and when doing so I
wrote my Department reference CIT/6/3975 dated
24.9.59. I identified my hand writing on P14. P15
was issued to the applicant on his claim on P14
which referred to him.

10

Cross-
examination

Cross-examined:

I did not receive P14 at first.

Re-examined: Nil.

No. 11S.M. JOSEPHIn the
Magistrate's
Court

S.M. JOSEPH: Sworn, 64 years, Estate Medical
Assistant, Haputale Estate,
Haputale.

No. 11
Prosecution
Evidence.
S.M. Joseph,
7th May, 1966.

10 I know the accused in this case. I have
known the accused from August 1953 up to date.
He was employed as an estate watcher. I have
been the Medical Officer from 1953. I enter the
Births and Deaths in the Hospital. I know the son
of the accused. In 1955 I remember this accused
reporting the birth of his grand child Viswanathan.
He gave the information regarding this birth. I
made an entry in the register of births on the
estate on the particulars given by this accused
to me. Shown P16 the register I maintained -
20 This is the register and Shown P16A folio No. 38
of P16 - In P16A this accused had stated that he
was not born in Ceylon and I have entered in cage
7 in P16A accordingly.

Examination

Cross-examined:Cross-
examination

30 I know all the residents in the estate and I
also know their relationship. I saw this child
referred to in P16. It was born in a line of the
estate. I have so recorded in P16. I cannot say
exactly when the birth of the child was and when
it was reported to me. I went and called on the
child within a week. If an informant gives me a
wrong date as the date of the birth of a child,
and if it is reported, I then include the correct
date. I would enter the correct date and note
the date given by the informant. As far as
possible I will make every effort to get the
correct information when filling the report of
births, on the estate. Because this child was
40 born in the lines I could take the date of the
birth from the informant. If the informant comes
in within 1 or 2 days after the birth I would
take the date given by the informant as the
correct date. I do not ask the date of the
birth of the father as that cage is not in the
form. I now say that the date of birth of the
father is asked by me, because I now remember

In the
Magistrate's
Court

No. 11
Prosecution
Evidence.
S.M. Joseph,
7th May, 1966.
(Contd.)

that such a column is there. I have stated that the parents of the child were said to be married because I do not have any other proof of marriage except what the accused told me. If I was personally aware that the parties were married or if they prove either by bringing the marriage certificate or by other witnesses I would have stated they are married. If I suspected the statements I would have entered "said to be married".

10

In some cases as regards the date of birth of the child I send the midwife to visit the mother in order to get the particulars.

Q. I put it to you that most of these cages were entered by you on your supposed knowledge and not what was stated by the parties?

A. No.

I always enter what is told to me by the Informant.

Re-examined:

20

I merely enter the particulars as given by the Informant.

No. 12M. SINNADORAIIn the
Magistrate's
CourtM. SINNADORAI: Affirmed, 36 years, Clerk,
Cocogall Estate, Madulsima.No. 12
Prosecution
Evidence.
M.Sinnadorai,
7th May, 1966.

Examination

10 In August 1959 I was attached to Haputale
Estate. I know the accused in this case. He was
a field watcher. It was part of my functions to
fill in Provident Fund Forms. These forms are
filled on the particulars given by the members.
There are 3 forms to be filled A, B and H. In
respect of this accused "A" Form was filled up and
I produce it marked P8. This Form was filled up
in the office. The accused has signed and placed
his Left thumb impression and Right thumb impres-
sion on P8. The left thumb impression is marked
P8A and right thumb impression P8I. I used to
20 take the thumb impressions. The particulars in P8
were given by the accused. The accused has given
P. Veerappen as his father and born in South India.
His age is 52 years. Shown P9 "B" Form - the thumb
impressions are marked P9A and P9A1 were obtained
by me from this accused. The signature of the
Superintendent at that time is on the form. I
identify his signature. The documents P8 and P9
are in my handwriting. Shown P17 - This is a
30 register maintained by me wherein I enter the
particulars of P8 against the accused's name. The
corresponding entry was made at paragraph 281
where particulars of P8 are entered by me, in the
columns shown to the index of the register. I
produce this register marked P17 and the partic-
ular entry marked P17A.

Cross-examined:Cross-
examination

40 I used to call a gang of labourers 35 at a
time and take down the particulars in P17 and
thereafter fill up A, B and H forms. No dates are
mentioned on P17. Sometimes an Assistant Clerk
of the Haputale Estate assisted me in maintaining
P17. Entries under column "4", 6, 9 and 16 are
not written in my hand writing. These particulars
were not noted from the employee himself and

In the
Magistrate's
Court

No. 12
Prosecution
Evidence.
M.Sinnadorai,
7th May, 1966.
(Contd.)

therefore I asked my Assistant to assist me.
Columns 17 and 18 are also not in my hand writing.
The form P8 is signed by the Superintendent and the
particulars filled in by me would have been a week
prior to that date.

Re-examined: Nil.

No. 13

P. NAVARATNAM

In the
Magistrate's
Court

P. NAVARATNAM: Affirmed, Senior Assistant
Commissioner of Labour, Colombo.

No. 13
Prosecution
Evidence.
P.Navaratnam,
7th May, 1966.

10 I have been 22 years in the Labour Department.
I am familiar with the issue of discharge certifi-
cates under Section 23 of the Estate Labour
Ordinance. The check was done at Mandapam Camp.
The Superintendent of an Estate issues a discharge
certificate which the labourer surrenders at the
Mandapam Camp. This certificate is sent to the
Department. Shown P12 - This is a certificate
issued at Mandapam Camp and bears a thumb impres-
sion. The practice is that the thumb impression
or the signature of the person referred to in the
20 certificate has to be obtained. The Mandapam Camp
was closed in 1958.

Examination

Cross-examined:

Cross-
examination

I have not dealt with this document P12.

Re-examined: Nil.

In the
Magistrate's
Court

No. 14

G.A.V. PILLANAYAGAM

No. 14
Prosecution
Evidence.
G.A.V. Pillan-
ayagam,
7th May, 1966.

G.A.V. PILLANAYAGAM: Sworn, 62 years, Retired
Secretary, District Court,
23, Kandy Road, Jaffna.

Examination

Between 1.10.57 to 28.2.59 I was attached to
the District Registrar's Office, Badulla. Shown
P14 I identify my signature on it. P14 - The cert-
ificate of birth of Veerappen. In connection with
the issue of P14 I have initialled the day book P18
on 13.6.58. The person who got the Birth Certifi-
cate P14 is a man named A. Velu. Any person can
obtain a birth certificate if he gives the
necessary particulars.

10

Cross-
examination

Cross-examined:

P 18 refers to the period 21.11.37 to 24.7.58.
When an application is made for a copy of a birth
certificate we check up the particulars from the
birth certificate filed in the office and thereafter
issue a copy, on the necessary forms. The form in
the main register carries the number 41904 and that
number will be noted on all copies of birth certi-
ficates issued.

20

Re-examined: Nil.

19.

No. 15

B.G. DHANAPALA

In the
Magistrate's
Court

B.G. DHANAPALA: Affirmed, 38 years, Clerk, District Registrar's Office.

No. 15
Prosecution
Evidence.
B.G.Dhanapala,
7th May, 1966.

10 On 11.6.58 I was the day book clerk in the Badulla District Registrar's Office. P18 is the day book on this day. I accepted the application No. 4052 which is produced marked P18A. Shown P14 the Birth Certificate was issued on the application P18A.

Examination

Cross-examined: Nil.

In the
Magistrate's
Court

No. 16

F.V. MANAMPERI

No. 16

Prosecution
Evidence.
F.V.Manamperi,
7th May,1966.

F.V. MANAMPERI: Affirmed, 41 years, Clerk, District
Registrar's Office, Badulla.

Examination

Shown P14 - This has been copied by me and is
in my hand writing. This is made on the application
No. 4052. This application had been destroyed in the
normal course after audit. Shown P18 this is the day
book in which the application No. 4052 had been
entered in P18A in the day book.

10

Cross-
examination

Cross-examined

The register P18 is maintained only for the
purpose of audit for them to check the revenue
collected on the issues of copies of Marriage, Death
and Birth certificates.

Re-examined: Nil.

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No. 17

K.S. RAJAMANI

In the
Magistrate's
Court

K.S. RAJAMANI: Sworn, 54 years, Head Clerk,
Haputale Estate, Haputale.

No. 17
Prosecution
Evidence.
K.S.Rajamani,
7th May, 1966.

10

All letters are opened by me. I was on the estate from 1951 August. Shown P12 the discharge certificate had been received by my office and date stamped on 1.8.53. This certificate had been received by post. This shows that he had left the estate and gone to India. I know the accused in this case. He had been employed on the estate from 1.10.43. This document P12 is in respect of this accused. I have been asked to produce B Form which I produce marked P9. I also produce Employees' Provident Fund register marked P17 maintained on the estate. I produce the documents P12, P17 and P9.

Examination

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Cross-examined:

Cross-
examination

P9 is not entered in my hand writing. I have been on the estate for 27 years. I am aware labourers have used two names. One is a registered name and the other name by which they are known. Sometimes the name that is currently used is not the registered name.

Re-examined: Nil.

In the
Magistrate's
Court

No. 18

M. THIYAGARAJAH

No. 18

Prosecution
Evidence.

M. THIYAGARAJAH: Affirmed, Clerk, Magistrate's
Court, Jaffna.

M.Thiyagarajah,
8th June, 1966.

Examination

In April 1958 to 1959 I was attached to the Ministry of Defence & External Affairs Citizenship Branch. I attended to the registration under Section 6 of Citizenship Act. On 4.8.58 I posted application form to the Applicant P. Veerappen marked P4. I received P4 by registered post duly perfected on 29.8.58 together with Birth Certificate No. 41904 issued by the District Registrar of Badulla. On that Birth Certificate I wrote the words applicant's Birth in pencil. Shown P14 This is the Birth Certificate I have written in pencil "Applicant's Birth".

10

Cross-
examination

Cross-examined:

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Application P4 is preceded by a questionnaire form. Letters are received by the Chief Clerk and then passed on to different Clerks. Sometimes questionnaire forms are handed over the counter without application being sent. Records are always maintained regarding the application made for questionnaire forms. The Chief Clerk does not keep a list of the letters received. Even if the applications are returned by hand no entry is made of the receipt of it. Even the subject clerks do not sign and accept the papers distributed to them. When the questionnaire forms are filled and sent I deal with them. I do not sign any register when I accept them. I receive only the questionnaire form and I have nothing to do with what transpired earlier. I then give a separate reference number and start a file. The questionnaire form is scrutinised by the Chief Clerk and then sent to me. As I receive the questionnaire form I issue the double form like P4. A letter is sometimes sent with the questionnaire forms and sometimes after it to the applicant saying that if his father and Grandfather were born in Ceylon then he would be entitled to Citizenship - like letter P13. The clerk who sends letters like P13 is not myself. Sometimes these questionnaire forms are sent by the Chief Clerk to

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another clerk before it is sent to me. The Chief Clerk does not have a separate register where he notes down the contents of each envelope when it comes. If there were any annexures sent along with document P4 there would not be any record of what the annexures would be. Shown P4 - There are no indications on it to show that there were any annexures to P4. When I receive P4 I check the questionnaire form. I check up to see whether the name and addresses are correct and whether there are any annexures. Then I send P4 for any action to the D.R.O. of the Division for investigation as regards the particulars furnished by the Applicant. Then the D.R.O. sends the investigation report. The D.R.O.'s report would send in the particulars of confirmation. This report would be filed in the same file. The D.R.O. would then investigate whether the applicant was born in Ceylon and whether his father was born in Ceylon and whether his parents were married. On the report of the D.R.O. Citizenship certificates are issued. Only persons with doubt about their citizenship makes application first. In my experience I have dealt with applications from persons who have doubt about their father's name and mother's name. There were cases where application were received from persons who were doubtful as to whether they were born in Ceylon or outside. Under Section 6 the Department does not directly investigate but always through the D.R.O. There were cases where investigations revealed that the birth certificate produced was not the birth certificate of the Applicant. If Birth certificates are not sent with P4 we normally return the documents calling for any other evidence. The Birth certificate is treated as evidence. When we get an application form with a different birth certificate then we consider the application as one that does not have the necessary evidence. We do not consider it as an effort by the applicant to support his application with another Birth certificate. When the Birth certificates are sent to the registrar and if he reports that the name is different from what is found in the register then we refer the matters to the Police.

Re-examined: Nil.

In the
Magistrate's
Court

No. 18
Prosecution
Evidence.
M.Thiyagarajah,
8th June, 1966.
(Contd.)

In the
Magistrate's
Court

No. 19

D.M.W. PERERA

No. 19

Prosecution
Evidence.
D.M.W.Perera,
8th June,
1966.

D.M.W. PERERA: Sworn, Proctor S.C., Bandarawela.

On 26.8.58 I was a Justice of Peace. I was
Chairman. I know the accused in this case. Shown
P4 - This accused had signed on P4 in my presence on
affirmation. He affirmed to the contents of the
document P4. The contents of the document were read
and explained to this accused and he understood the
contents.

10

Examination.

Cross-
examination

Cross-examined:

I have no independent recollection of this
attestation but I remember this accused signing in
my presence. I cannot remember whether I read and
explained but I always do it.

Re-examined: Nil.

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No. 20

A.S. RAJAMANI (recalled)

In the
Magistrate's
Court

No. 20

Prosecution
Evidence.
A.S. Rajamani,
(recalled)
8th June, 1966.

A.S. RAJAMANI: Sworn, recalled.

10 I produce marked P27 certified extract from
the Labour register maintained under Section 22
of the Estate Labour (Indian) Ordinance Chapter
112 in respect of this accused.

Examination

Cross-examined:

Cross-
examination

This register could have been maintained
from about 1900.

Re-examined: Nil.

In the
Magistrate's
Court

No. 21

H.D. ALEXANDER (recalled)

No. 21

Prosecution
Evidence.
H.D.Alexander
(recalled),
8th July, 1966.

HERATH ALEXANDER: Sworn, 34 years, Police Sergeant
6481, Criminal Investigation
Department. Colombo.

Examination

I inquired into this case on the authority of
the Magistrate of Joint Magistrate Court. On
23.4.63 I obtained the specimen signatures of this
accused. I produce that marked X. On 25.4.63 I
took charge of P13 from the son of this accused. I
produce it marked P13. On 25.4.63 I obtained the
specimen finger prints of the accused. I produce
it marked A. On the same day I took charge P15 from
this accused and he initialled same in my presence.
On 24.10.63 I examined the accused with his consent
and noticed a scar on his left knee and on his
thigh. On the same day I measured his height and
found it to be 5' 4 $\frac{1}{2}$ ". I took charge two sealed
parcels addressed to the Examiner of Questioned
Documents and Registrar of Finger Prints. These
parcels had their seals intact and I handed them
over to Examiner of Questioned Documents and
Registrar of Finger Prints. The receipts marked
P29 and P31 were handed on to the Record Keeper.
On 8.3.66 I took charge the documents of the
Registrar of Finger Prints and handed them over to
the Record Keeper at Bandarawela. I also took
charge Z1 to Z17 on 15.7.64 from the office of
Haputale Estate I produce Z1 to Z17.

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Cross-
examination

Cross-examined:

I questioned the accused and found that he does
not know English. I found that the Sherwood
Division was the part of Haputale Estate. On
25.4.63 I took some papers from the son of the
accused. I have taken papers from the accused also.
The accused had files and I took charge of one file
from the accused and 3 from his son. All the papers
that were taken by me have not been produced in
Court. The only document produced was P13. Although
an application was made by the accused for the
return of those files they have not yet been
returned. The application was made by the Proctor

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27.

for the purpose of this case. I did not see a copy of the covering letter by which the Ministry sent the document P4 to the accused. I also did not see a copy of the covering letter which the accused would have sent along with P4.

Re-examined: Nil.

In the
Magistrate's
Court

No. 21
Prosecution
Evidence.
H.D.Alexander
(recalled),
8th July,
1966.
(Contd.)

In the
Magistrate's
Court

No. 22
COURT NOTES

No. 22
Court Notes,
8th July,
1966.

Case for the prosecution is closed leading evidence P1 to P31.

I call the accused for his defence. Mr. Sittampalam is not calling any evidence. He tenders D1.

10

Sgd: M. Shanmugalingam.

Magistrate

8.7.66.

No. 23
REASONS FOR ACQUITTAL

In the
Magistrate's
Court

REASONS

No. 23
Reasons for
Acquittal,
7th August,
1966.

10 (1) The accused is charged with having signed an application for a certificate of citizenship with the intention of it being believed that it was signed by Veerappen son of Tiruman and thereby committed an offence under Section 454 of the Penal Code.

20 (2) On 26.8.58 this accused signed an application for a certificate of citizenship of Ceylon by descent marked P4 before Mr. Perera, Justice of the Peace. In this application he had stated that his name was Tiruman alias Palanimalay Veerappen and that he was born in Sherwood Estate, Haputale on 1.5.1928. This accused had thereafter forwarded this application P4 with the birth certificate P14 to the proper authorities.

(3) The prosecution now relies on three incidents to establish the present charge brought against the accused.

30 (i) On 31.5.55 according to witness Joseph this accused was the informant in respect of the birth of his grand child Veerappen and that by this document P16A this accused had stated that he was not born in Ceylon.

(ii) In 1959 when this accused gave particulars to Sinnadurai in respect of his Provident Fund he had given his name as Palanimalay Veerappan and that he was born in South India and that the name of his wife was Mariae.

40 (iii) When the accused went to India in 1953 he was given the discharge certificate P12 wherein the particulars had been entered with his father's name as Palanimalai. As regards document P12 I find that the writer had not been called, however, evidence has been led to show that P12 refers to this accused.

In the
Magistrate's
Court

No. 23
Reasons for
Acquittal,
7th August,
1966.

(Contd.)

(4) As regards documents P16A and P8 I accept the evidence of Joseph and Sinnadurai when they say that they filled up the particulars on information given by this accused. If one accepts the particulars given in P16A and P8 as the truth, then this accused could not have had a basis to make an application under Section 6 of the Citizenship Act. In addition the particulars given in P4 are not consistent with the earlier statements which are proved to have been made by this accused.

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(5) Be that as it may, I find that the charge is on the basis that this accused signed this document P4 with the intention of causing it to be believed that it was signed by Veerappan who has been registered on the birth certificate P14. If the basis of the charge is that when this accused put a signature on P4 he signed on behalf of the Veerappen mentioned in P14, then, it would be necessary for the prosecution to have called the Veerappen mentioned in P14 to show that this accused has no authority to put the signature. This I find the prosecution has not done.

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(6) Further, when I consider documents P1, P2, and P3 I find that he was always signing as Thana Pana Veerappen which is not the same as T. Veerappan in P14. This tends to show that the accused when he signed P1 to P4 was in fact signing for himself and not trying to make one believe that he was committing an act of forgery in respect of the Veerappen mentioned in P14.

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(7) When one looks at P4 and the birth certificate P14 it is quite clear that the accused was making a false document and was trying to pass off for the Veerappen mentioned in P14 who apparently has the qualification for citizenship rights in that he was born in Ceylon.

(8) Since I have come to the above conclusion I find it difficult to visualise in whatever manner I look at it, that this accused was committing forgery in respect of the signature of the Veerappan mentioned in P14.

40

(9) I might also mention that the entire case is built up on the statements made by the accused at different times and not on any other evidence. If

that is so, then it may be open for the defence to further argue that the particulars mentioned in P4 is in fact the truth and not the particulars mentioned in P16A, P8 and P12. I also find that the charge does not set out necessary ingredients. To that extent this charge may be defective in law.

10 (10) It is rather unfortunate that the prosecution sought to charge this accused on the basis of forgery and not on any other offence. It is quite clear that he was making false documents and cheating persons in authority when he applied for citizenship rights on document P4. However, since the prosecution had chosen to charge the accused, only on the basis of forgery, I find that for the reasons mentioned above, I am constrained to hold that this charge as presently set out has not been proved. I accordingly acquit the accused.

In the
Magistrate's
Court

No. 23
Reasons for
Acquittal,
7th August,
1966.
(Contd.)

20

Sgd: M. Shanmugalingam

Magistrate

7.8.66

In the Supreme Court

No. 24

PETITION OF APPEAL

No. 24
Petition of
Appeal,
7th September,
1966.

IN THE SUPREME COURT OF THE ISLAND
OF CEYLON

S.C.1249/66

H.D. Alexander, Police Sergeant 6481,
Criminal Investigation Department,
Colombo, Complainant

10

vs

Palanimalay Veerappen, Line No. 9,
Lower Division, Haputale Estate,
Haputale, Accused

The Attorney-General Appellant

vs

Palanimalay Veerappen, Accused-
Respondent

20

TO: The Honourable the Chief Justice and the other
Honourable Judges of the Supreme Court.

This 7th day of September 1966.

The Petition of Appeal of the Attorney-General
states as follows:-

The Accused-Respondent abovenamed was, in
Magistrate's Court of Bandarawela Case No. 44156,
charged as follows:-

That on or about the 26th August, 1958, at
Bandarawela, he did sign a document, to wit, an
application for a certificate of citizenship by
descent to be issued by the Minister of Defence
and External Affairs in terms of section 6 of
the Citizenship Act, with the intention of
causing it to be believed that the said document
was signed by Veerappen son of Thiruman (who was
born to Thiruman and Letchemey on Sherwood
Estate on 1st May, 1918, and in respect of

30

whose birth Certificate No. 41904 had been issued by the District Registrar of Badulla on 12.6.1958) by whom or by whose authority he knew that the said document was not signed, and that he had thereby committed an offence punishable under section 454 of the Penal Code.

In the Supreme
Court

No. 24
Petition of
Appeal,
7th September,
1966.

(Contd.)

10 2. The accused-respondent pleaded not guilty to this charge, and on 7.5.1966, 8.6.1966 and 8.7.1966 the prosecution adduced evidence in proof of the charge.

3. At the close of the case for the prosecution the Magistrate called upon the accused-respondent for his defence. He neither gave evidence nor called witnesses on his behalf. Learned Counsel appearing for him merely "tendered" document D1.

20 4. After addresses of Counsel on the 15th and 30th July, 1966, the Magistrate made order on 7th August, 1966, acquitting the accused-respondent.

5. Being dissatisfied with the said order of the Magistrate the Attorney-General appeals to Your Lordships' Court on the following, among other, grounds that may be urged at the hearing of this appeal:-

30 (a) The Magistrate accepted the evidence led by the prosecution as establishing that the accused-respondent did in fact make a false document. In the course of his order he has stated:-

"It is quite clear that he (the accused) was making false documents and cheating persons in authority when he applied for citizenship rights on document P4."

(b) The Magistrate has further stated:-

40 "When one looks at P4 and the birth certificate P14 it is quite clear that the accused was making a false document and was trying to pass off for Veerappen mentioned in P14 who apparently has the qualifications

In the Supreme Court

for citizenship rights in that he was born in Ceylon."

No. 24
Petition of
Appeal,
7th September,
1966.
(Contd.)

- (c) The appellant submits that in view of these findings of fact the Magistrate could not, in law, have acquitted the accused-respondent on the charge preferred against him.

WHEREFORE the Attorney-General prays that Your Lordships' Court be pleased:-

10

- (i) to reverse the order of acquittal made by the Magistrate;
- (ii) to find the accused-respondent guilty of the offence with which he was charged, to convict him and to pass sentence on him according to law; and
- (iii) to make such other order as to Your Lordships' Court may seem meet.

Sgd: A.C.M. Ameer

ATTORNEY-GENERAL

20

No. 25In the Supreme
CourtJUDGMENTS.C. 1249/66M.C. Badulla 44156No. 25
Judgment,
27th February,
1967.Present: Manicavasagar J.Counsel: L.B.T. Premaratne, S.C.C. for
the Attorney-General.Colvin R. de Silva, with S.
Sittampalam for the Accused-
Respondent.Argued on: 18.2.67.Decided on: 27.2.67.Manicavasagar J:

(1) This is an appeal by the Attorney-General from a verdict of acquittal of the accused, Palanimalay Veerappen, recorded by the Magistrate of Badulla.

20 (2) Veerappen was charged with forgery, an offence punishable under Section 454 of the Penal Code; he is alleged to have signed an application (P4 of 15.8.56) to the Minister of Defence and External Affairs for a certificate of citizenship of Ceylon by descent under Section 6 of the Citizenship Act 18 of 1948, with the dishonest or fraudulent intention of causing it to be believed that the document was signed by Veerappen son of Thiruman.

(3) The prosecution had to establish that

30 (1) P4 is a false document, within the meaning of Section 453 of the Penal Code,

(2) the accused signed P4, and

(3) his intention was to defraud.

(4) Section 453 of the Penal Code defines the making of a false document as one where a person dishonestly or fraudulently makes or signs a

In the Supreme
Court

No. 25
Judgment,
27th February,
1967.
(Contd.)

document, with the intention of causing it to be believed that the document was made or signed by a person by whom it was not made or signed.

(5) The Magistrate found that

- (1) P4 was signed by the accused,
- (2) the accused was born in India,
- (3) the statements in P4 made by the accused were not true, 10
- (4) he was not entitled to be registered as a citizen of Ceylon, and
- (5) the accused was trying to pass off as Veerappen son of Thiruman whose birth certificate he had annexed to the application, and who apparently had the qualification for Ceylon Citizenship.

(6) The Magistrate acquitted the accused because in his opinion the facts did not disclose the offence of forgery, but that the offence, if any, was probably one of cheating. 20

(7) Dr. de Silva's argument was that the Magistrate's finding was right; he submitted that the issue before the Magistrate was whether P4 is a false document and fell within the meaning given to it by Section 453; he contended that untruthful statements in a document signed by a person, if it was made with intention to deceive, may point to the offence of cheating, but does not render the document false or the person who signed it guilty of forgery. 30

(8) The essence of forgery, unlike in the case of cheating, is the making of a false document; and the offence of forgery is complete if a document false in fact is made dishonestly or fraudulently with an intent to deceive; in other words had the accused by making this document intended to deceive, and by that deceit derived a benefit which he would not derive if the truth was known. If the answer to this is in the affirmative, there is fraud and the document so made or signed is a forgery within the meaning of Section 452 of the Penal Code. 40

(9) On the facts as found by the Magistrate, and this is supported by the evidence, the verdict of acquittal is set aside, and a verdict convicting him of the charge of forgery is entered.

In the Supreme
Court

No. 25
Judgment,
27th February,
1967.
(Contd.)

10 (10) Dr. de Silva also submitted that the charge was defective in that it made no reference to certain material particulars, and therefore a judgment against the accused must occasion a failure of justice. The charge undoubtedly is incomplete, in that it has no reference to the element of dishonesty or fraud in the making of a false document: does this omission vitiate the finding of the Magistrate or that of this Court? The answer to this depends on whether the accused has been misled or prejudiced in his defence by the omission of a relevant element in the charge. I do not think so: the charge is so sufficiently com-
20 prehensive, that it could not have occasioned a failure of justice.

(11) I impose a sentence of 2 years Rigorous Imprisonment, which the Magistrate should communicate to the accused in Court.

Sgd. V. Manicavasagar

PUISNE JUSTICE

In the Supreme
Court

No. 26

DECREE

No. 26
Decree,
27th February, No. S.C.1249/66
1967.

ELIZABETH THE SECOND, QUEEN OF CEYLON AND
OF HER OTHER REALMS AND TERRITORIES, HEAD
OF THE COMMONWEALTH

10

IN THE SUPREME COURT OF THE ISLAND
OF CEYLON

H.D. Alexander, Police Sergeant
6481, Criminal Investigation
Department, Colombo. Complainant

vs.

Palanimalay Veerappen, Line No.
9, Lower Division, Haputale
Estate, Haputale. Accused

The Attorney-General, Colombo. Appellant

20

Versus

Palanimalay Veerappen, Line No.
9, Lower Division, Haputale
Estate, Haputale. Accused and
Respondent

Case No. 44156

In the Magistrate's Court of Badulla,
holden at Bandarawela.

Counsel for Appellant: Mr. Advocate L.B.T. Premaratne,
Senior Crown Counsel.

Counsel for Respondent: Mr. Advocate Colvin R. de Silva 30
with Mr. Advocate S. Sittam-
palam.

This case having come before the Hon. Vaitilingam
Manicavasagar, Puisne Justice, of this Court, for
hearing and determination on 18th and 27th February,
1967.

It is considered and adjudged that the order of acquittal be and the same is hereby set aside.

It is ordered and decreed that the Accused-Respondent be convicted of the charge of forgery and he be sentenced to two years' rigorous imprisonment.

(vide copy of Order attached)

10 Witness the Hon. Hugh Norman Gregory Fernando, Chief Justice, at Colombo, the 15th day of March in the year One thousand Nine hundred and Sixty seven, and of Our Reign the Sixteenth.

(Seal)

Sgd: D. Meynert

Deputy Registrar, Supreme Court.

In the Supreme Court

No. 26

Decree,
27th February,
1967.

(Contd.)

In the Privy
Council

No. 27

ORDER GRANTING FINAL LEAVE TO APPEAL
TO HER MAJESTY IN COUNCIL

No. 27
Order granting
final leave to
appeal to Her
Majesty in
Council,
13th November,
1967.

AT THE COURT AT BUCKINGHAM PALACE

The 13th day of November, 1967

(Seal)

10

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	MR. CROSLAND
LORD STEWARD	MRS. HART
LORD SHEPHERD	MR. HENRY WILSON

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 2nd day of November 1967 in the words following, viz:-

20

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition and supplemental Petition of Thiruman Palanimalay Verappen in the matter of an Appeal from the Supreme Court of Ceylon between the Petitioner and the Attorney-General Respondent setting forth that the Petitioner is desirous of obtaining special leave to appeal to Your Majesty in Council against the Judgment of the Supreme Court of Ceylon dated the 27th February 1967 whereby the said Court upheld the Appeal of the Respondent from a verdict of acquittal of the Petitioner recorded in the Court of the Magistrate of Badulla on the 7th August 1966 on a charge of forgery punishable under Section 454 of the Penal Code: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal against the Judgment of the Supreme Court of Ceylon dated the 27th February 1967 and that the verdict

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of acquittal recorded in the said Court of the Magistrate of Badulla be restored or for further or other relief:

In the Privy Council

No. 27

Order granting final leave to appeal to Her Majesty in Council, 13th November, 1967.

(Contd.)

10

"THE LORDS OF THE COMMITTEE inobedience to His late Majesty's said Order in Council have taken the humble Petition and supplemental Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment of the Supreme Court of Ceylon dated the 27th February 1967:

20

"And Their Lordships do further report to Your Majesty that the proper officer of the said Supreme Court ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioner of the usual fees for the same."

30

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor-General or Officer administering the Government of Ceylon for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

Sgd: W.G. Agnew

Prosecution
ExhibitsEXHIBITS

P14
Certificate
of Birth,
1st May, 1918.

P14

CERTIFICATE OF BIRTH

Application No.
4052/11.6.58.

CEYLONCERTIFICATE OF BIRTH

10

No.: 41904.

Uva Province Badulla District Uva Division.

- | | | |
|--|--|----|
| 1. Date and Place of Birth: | First May 1918. Sherwood Estate. | |
| 2. Name: | Veerapen. | |
| 3. Sex: | Male. | |
| 4. Name and Surname of Father: | Tiruman. | |
| 5. Name and Maiden Name of Mother, and Race: | Lechumey,
Indian Tamil. | 20 |
| 6. Rank or Profession, and Race, of Father: | Cooly.
Indian Tamil. | |
| 7. Were Parents Married? | Yes. | |
| 8. Name and Residence of Informant, and in what capacity he gives information: | H.E.H. Nelson, Sherwood Estate, Superintendent. | |
| 9. Informant's Signature: | Birth registered on the report of the abovenamed Superintendent of Estate under Section 16(1). | 30 |
| 10. When registered: | Twentieth May, 1918. | |
| 11. Signature of Registrar: | Sgd: F. Barlett.
Provincial Registrar, Uva. | |

43.

12. Name, if added or altered after ----
registration or Birth:

Prosecution
Exhibits

13. Date of addition or alteration: ----

CIT/6/3975
24.9.57.

P.14
Certificate
of Birth,
1st May, 1918.
(Contd.)

I do hereby certify that the foregoing is a
true copy of a birth registration entry filed of
record in this office.

Sgd:

10 District Registrar's Office, Addl. District Registrar.
Badulla, 12.6.1958. (Stamps to value of =/25)

NOTE: It is a punishable offence to make any addition
or alteration in this Certificate.

Prosecution Exhibits

P17A

EXTRACT FROM THE EMPLOYEES' PROVIDENT FUND REGISTER MAINTAINED AT HAPUTALE ESTATE (P17)

P17A
Extract from
the Employees'
Provident Fund
Register
maintained at
Haputale
Estate (P17),
1st October,
1943.

EMPLOYEES RECORD CARD - FORM A

<u>PART 1</u>	<u>281</u>	<u>1.10.43</u>	
1. Full name:	VEERAPPAN.		10
2. Other names:	Nil.		
3. Employer's No.:	19/S.		
4. Address:	Haputale Division, Haputale Estate, Haputale.		
5. Member's No.:	1214.		
6. Nationality:	Indian Tamil.		
7. Sex:	Male.		
8. Age:	52.		20
*9. Date of Birth:	Not known.		
10. Place of birth:	Sivandnpalayam, South India.		
11. Married or single:	Married.		
12. Name of Spouse:	Mariaie.		
13. Name and place of birth of father:	Palanimalay, South India.		
14. Name of mother:	Nallamah.		
15. Name and place of birth of paternal grandfather:	Veerakuddy, South India.		30
16. Name and place of birth of maternal grandfather:	Not known.		
17. Name of last employer:	Not known.		

	18. Nature of employment:	---	Prosecution <u>Exhibits</u>
	19. Period employed:	16 (40 yrs.)	
	20. Identity (right and left thumb marks and the numbers, if available, of the following):		P17A Extract from the Employees' Provident Fund Register maintained at Haputale Estate (P17), 1st October, 1943. (Contd.)
10	(a) Post Office Savings Bank Book.	---	
	(b) Post Office Identity Card.		
	(c) Ceylon Savings Bank Book.		
	(d) Certificate of Competence to Drive.		
20	(e) Temporary Residence Permit		
	(f) Citizenship:		
	(g) Passport:		
	21. Any natural distinguishing marks:	Scar on left thigh.	
	22. Name/s of nominee/s as given in the document of nomination:	Mariaie,	
	Age:	34 years.	
30	Relationship:	Wife.	
	Share:	---	
		<u>282</u>	<u>1.10.43</u>
	1. Full name:	MARIAIE.	
	2. Other names:	---	
	3. Employer's No.:	---	
	4. Address:	---	

Prosecution Exhibits

P17A

Extract from
the Employees'
Provident Fund
Register
maintained at
Haputale
Estate (P17),
1st October,
1943.

(Contd.)

5. Member's No.:	240.	
6. Nationality:	---	
7. Sex:	Female.	
8. Age:	34.	
* 9. Date of Birth:	---	
10. Place of birth:	Sandiragiri, South India.	10
11. Married or single:	Married.	
12. Name of spouse:	Veerappan.	
13. Name and place of birth of father:	Sellappan, South India.	
14. Name of mother:	Perumaie.	
15. Name and place of birth of paternal grandfather:	---	20
16. Name and place of birth of maternal grandfather:	---	
17. Name of last employer:	---	
18. Nature of employment:	---	
19. Period employed:	16 (25 yrs)	
20. Identity: (right and left thumb marks and the numbers, if available, of the following):		
(a) Post Office Savings Bank Book:	---	30
(b) Post Office Identity Card:	---	
(c) Ceylon Savings Bank Book:	---	
(d) Certificate of Com- petence to Drive:	---	

47.

	(e) Temporary Residence Permit:	---	<u>Prosecution Exhibits</u>
	(f) Citizenship:	---	P17A
	(g) Passport:	---	Extract from the Employees' Provident Fund Register maintained at Haputale Estate (P17), 1st October, 1943.
	21. Any natural distinguishing marks:	Scar on forehead.	(Contd.)
10	22. Name/s of nominee/s as given in the document of nomination:	Veerappan.	
	Age:	52 years.	
	Relationship:	Husband.	
	Share:	---	

* Give serial No. of Birth registration if available.

Prosecution
Exhibits

P27

P27
Certified
Extract from
Labour Regis-
ter of
Haputale
Estate,
1st October,
1943.

CERTIFIED EXTRACT FROM LABOUR REGISTER
OF HAPUTALE ESTATE

FORM - LABOUR W.50

REGISTER OF LABOURERS

Section 22 of the Estate Labour (Indian)
Ordinance, Chapter 112

10

Extracts from the Labour Register of
Haputale Estate, Haputale Division

- | | | |
|--|--|----|
| 1. Serial Number if any, of
the labourers Immigration
Certificate: | 281 | |
| 2. Name: | VEERAPPEN. | |
| 3. Father's Name: | Palanimalai. | |
| 4. Sex: | Male. | 20 |
| 5. Race & Caste | --- | |
| 6. Approximate age at time
of engagement: | 36 | |
| 7. Distinguishing Marks &
Height: | Scar on left thigh.
5'4 $\frac{1}{2}$ " | |
| 8. Kangany's Name: | Mariappen Kangany. | |
| 9. District in India: | Salem. | |
| 10. Taluk in India: | Namakkal. | |
| 11. Village in India: | Sevendanpalayam. | |
| 12. Post Office in India: | Andapuram. | 30 |
| 13. Date of engagement: | 1.10.43. | |
| 14. Date of quitting service
and reason therefor: | --- | |

I hereby certify that the above is a true
extract from the Labour Register of Haputale

Division of Haputale Estate, Haputale.

Sgd: K.S. Rajamani

Chief Clerk, Haputale Estate.

8.6.66.

Prosecution
Exhibits

P27

Certified
Extract from
Labour
Register of
Haputale
Estate,
1st October,
1943.

(Contd.)

10

N.B.: 1. All entries in this register must be written in ink.

2. The names of and other details regarding all Indian labourers in the employ of the estate whether on check-roll, contract or other account, whether they work regularly or not, and whether they are engaged with or without Discharge Certificate, must be entered in this register as soon as the labourers are engaged. Column 14 must be filled in as soon as a labourer quits service. This Register must show at any time the number of Indian labourers in the employ of the estate.

20

Prosecution
Exhibits

P12

DISCHARGE CERTIFICATE OF VEERAPPAN

P12
Discharge
Certificate
of
Veerappan,
1953.

FORM III

(Section 23)

No.B.576921

(This form, when filled in, should be kept at the estate office until labourer is discharged, returns to India, or dies.)

10

W.42 Haputale.

(Seal)

Haputale Estate

(i)

Recd: 1 AUG 1953 PERSONAL PARTICULARS

Ansd: ---

To be filled in by the Emigration Commissioner. If the form has not been filled in by the Emigration Commissioner, it should be filled in by the employer or his agent when the labourer leaves for India or is discharged.

20

1. Name: Veerappan.
2. Father's name: Palanimalai.
3. Sex: Male.
4. Age: 45.
5. Race and caste: ---
6. Distinguishing marks and height: 5'4 $\frac{1}{2}$ " - Scar on left thigh and on left knee.
7. Kangany's name: Thangarasu.
8. District in India: South.
9. Taluk in India: Namakkal.

P12a
M.C.Bandarawela Case
No. 44156.
Intd: M.S.
Magistrate
11.9.65.
DR.27/64-65
X -
Thumb Impression.
DR. 27/64-65

30

10. Village in India: Sevendanpalayam.

Prosecution
Exhibits

11. Post Office in India: Andapuram.

12. Length of habitual residence in Ceylon: 28
years.

P12
Discharge
Certificate
of
Veerappan,
1953.
(Contd.)

13. Whether wife or child joining husband or
parent in Ceylon: ---

10

(ii)

IMMIGRATION CERTIFICATE

To be filled in by the Emigration Commissioner
when labourer embarks for Ceylon.

Indian Agency: Namakkal.

Indian Agency Serial No.: 259540.

Date of Embarkation from Mandapam: 30.7.1953.

Intd: Signature: (franked): Signature.
1/8. for Emigration Commissioner

20

Alexander PS6481
24.4.63.

(iii)

IDENTIFICATION CERTIFICATE

To be filled in by the employer or his agent when
the labourer returns to India. The whole form
should be handed over to the labourer whenever he
proceeds to India.

30

This labourer is proceeding to India. Should
he/she desire to return, I am willing/not willing
to re-employ him/her.

Estate Registered No.: ---

Revenue District: ---

Date: --- 19 ---

Prosecution Exhibits

(iv)

DISCHARGE CERTIFICATE

P12

Discharge Certificate of Veerappan, 1953. (Contd.)

To be filled in by the employer or his agent whenever a labourer is discharged.

This labourer was discharged from the under-mentioned Estate on: 19 ...

..... Estate.

Revenue District:

Date: 19

Employer.

P16A

EXTRACT FROM THE REGISTER OF BIRTHS
MAINTAINED AT HAPUTALE ESTATE (P16)

Prosecution
Exhibits

Registration B.5

REPORT OF BIRTH ON AN ESTATE

No.38

P16A
Extract from
the Register
of Births
maintained
at Haputale
Estate, (P.16)
31st May,
1955.

10

Birth on the Haputale Estate, in the Medical
District of Haputale.

-
- | | | | | | | | | | | | | |
|---------------------------|--|--|-----------------|-------------------------|------------------------|------------|-------------------------|-------------------------------|--------|---------------|---------------------------|---------------|
| 1. | Date and Place of
birth: | 30th May 1955.
In the Estate Lines. | | | | | | | | | | |
| 2. | Name: | Veerappen. | | | | | | | | | | |
| 3. | Sex: | Male. | | | | | | | | | | |
| 20 | 4. Father's | <table border="0" style="border-left: 1px solid black; border-right: 1px solid black;"> <tr> <td style="padding-left: 10px;">(Full name:</td> <td style="padding-left: 10px;">Veerappen, Nalliah.</td> </tr> <tr> <td style="padding-left: 10px;">(date of birth:</td> <td style="padding-left: 10px;">Not known.</td> </tr> <tr> <td style="padding-left: 10px;">(place of birth:</td> <td style="padding-left: 10px;">Seventhnan Palayam,
India.</td> </tr> <tr> <td style="padding-left: 10px;">(Race:</td> <td style="padding-left: 10px;">Indian Tamil.</td> </tr> <tr> <td style="padding-left: 10px;">(Rank or pro-
fession:</td> <td style="padding-left: 10px;">Trader.</td> </tr> </table> | (Full name: | Veerappen, Nalliah. | (date of birth: | Not known. | (place of birth: | Seventhnan Palayam,
India. | (Race: | Indian Tamil. | (Rank or pro-
fession: | Trader. |
| (Full name: | Veerappen, Nalliah. | | | | | | | | | | | |
| (date of birth: | Not known. | | | | | | | | | | | |
| (place of birth: | Seventhnan Palayam,
India. | | | | | | | | | | | |
| (Race: | Indian Tamil. | | | | | | | | | | | |
| (Rank or pro-
fession: | Trader. | | | | | | | | | | | |
| 30 | 5. Mother's | <table border="0" style="border-left: 1px solid black; border-right: 1px solid black;"> <tr> <td style="padding-left: 10px;">(Full name:</td> <td style="padding-left: 10px;">Karuppa Goudan Kalyama.</td> </tr> <tr> <td style="padding-left: 10px;">(date of birth:</td> <td style="padding-left: 10px;">Not known.</td> </tr> <tr> <td style="padding-left: 10px;">(place of birth:</td> <td style="padding-left: 10px;">Seventhnan Palayam,
India.</td> </tr> <tr> <td style="padding-left: 10px;">(Race:</td> <td style="padding-left: 10px;">Indian Tamil</td> </tr> <tr> <td style="padding-left: 10px;">(Age:</td> <td style="padding-left: 10px;">25 years old.</td> </tr> </table> | (Full name: | Karuppa Goudan Kalyama. | (date of birth: | Not known. | (place of birth: | Seventhnan Palayam,
India. | (Race: | Indian Tamil | (Age: | 25 years old. |
| (Full name: | Karuppa Goudan Kalyama. | | | | | | | | | | | |
| (date of birth: | Not known. | | | | | | | | | | | |
| (place of birth: | Seventhnan Palayam,
India. | | | | | | | | | | | |
| (Race: | Indian Tamil | | | | | | | | | | | |
| (Age: | 25 years old. | | | | | | | | | | | |
| 6. | Were parents married? | Said to be married. | | | | | | | | | | |
| 7. | If grand-
father
born in
Ceylon: | <table border="0" style="border-left: 1px solid black; border-right: 1px solid black;"> <tr> <td style="padding-left: 10px;">(His full name:</td> <td style="padding-left: 10px;">Not born in Ceylon.</td> </tr> <tr> <td style="padding-left: 10px;">(His year of
birth:</td> <td></td> </tr> <tr> <td style="padding-left: 10px;">(His place of
birth:</td> <td></td> </tr> </table> | (His full name: | Not born in Ceylon. | (His year of
birth: | | (His place of
birth: | | | | | |
| (His full name: | Not born in Ceylon. | | | | | | | | | | | |
| (His year of
birth: | | | | | | | | | | | | |
| (His place of
birth: | | | | | | | | | | | | |
| 40 | 8. If the
father was
not born
in Ceylon (| <table border="0" style="border-left: 1px solid black; border-right: 1px solid black;"> <tr> <td style="padding-left: 10px;">(Full name:</td> <td style="padding-left: 10px;">Neither born in</td> </tr> <tr> <td style="padding-left: 10px;">(Year of birth:</td> <td style="padding-left: 10px;">Ceylon.</td> </tr> <tr> <td style="padding-left: 10px;">(Place of birth:</td> <td></td> </tr> </table> | (Full name: | Neither born in | (Year of birth: | Ceylon. | (Place of birth: | | | | | |
| (Full name: | Neither born in | | | | | | | | | | | |
| (Year of birth: | Ceylon. | | | | | | | | | | | |
| (Place of birth: | | | | | | | | | | | | |

Prosecution Exhibits

P16A
Extract from the Register of Births maintained at Haputale Estate, 31st May, 1955.
(Contd.)

and if great {
grandfather {
born in Cey- {
lon the great {
grandfather's: {

- 9. Name in full of the kangany or kanganies under whom the father and mother work: ---
- 10. Place where and time when the birth was reported to the Superintendent by the Kangany: In the Estate hospital at 8.30 a.m. on 31st May 1955 by the grandfather.
- 11. Parents' Signature in the case of illegitimate child if the father's particulars are to be entered in the register: ---

10

I, E.R.M. Jayawardane do hereby declare the above to be a true and correct statement.

20

Witness my hand at Haputale Estate, this 31st day of May, 1955.

Intd:

Superintendent of Haputale Estate.

P18A

EXTRACT FROM THE REGISTER OF APPLICATIONS
FOR SEARCH AND COPIES OF MARRIAGE, BIRTH
AND DEATH ENTRIES (P18)

REGISTER OF APPLICATIONS FOR SEARCH AND
COPIES OF MARRIAGE, BIRTH AND DEATH ENTRIES

10

1. No. of Application: 4052
2. Date of Application: 11.6.58.
3. Whether in respect of
marriage, birth or death: Birth.
4. Name of Applicant: A. Velu.
6. No. of years for search: 1/2
12. Date of Signature: 13.6.58.

20

13. Initials of District
Registrar: Intd:
14. Date of Issue: 14.6.58.
15. Remarks: ---

Prosecution
Exhibits

P18A
Extract from
the Register
of Applica-
tions for
search and
copies of
Marriage,
Birth and
Death Entries,
(P18),
11th June,
1958.

Prosecution
Exhibits

P1

P1
Letter from
Tiruman
alias Palani-
malai Veera-
ppen addressed (in pencil - R 9858)
to the
Permanent
Secretary to
the Ministry
of Defence
and External
Affairs,
2nd July,
1958.

LETTER FROM TIRUMAN alias PALANIMALAI
VEERAPPEN ADDRESSED TO THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE
AND EXTERNAL AFFAIRS

CIT/MISC/5752

29950

REGISTERED

Tiruman 'alias Palanimalai
Veerappen,
No. 194 Main Street,
Bandarawela. 2.7.58.

10

The Permanent Secretary,
Ministry of Defence & External Affairs,
COLOMBO.

20

Sir,

Citizenship by Birth

I require to clarify my position as a Citizen
of Ceylon by Birth under Section 6.

I shall be thankful if you will therefore
forward to me the usual form (Cit 16 (F2) 10.52.)
for forwarding my declaration to you.

Your obedient servant,

Sgd: (in Tamil) Thina Pana Veerappen 30

Tiruman alias Palanimalai Veerappen.

(Seal)

Ministry of Defence & External
Affairs.
7 - JUL 1958

57.

P2

QUESTIONNAIRE SENT BY THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE
AND EXTERNAL AFFAIRS TO TIRUMAN alias
PALANIMALAI VEERAPPEN

Prosecution
Exhibits

P2

Questionnaire
sent by the
Permanent
Secretary to
the Ministry
of Defence
and External
Affairs to
Tiruman alias
Palanimalai
Veerappen,
9th July,
1958.

(in pencil - R.No.0764)

10

Circular and form issued.

Intd:

4.8.58

(Seal)

Ministry of Defence &
External Affairs -
18 - JUL 1958.

20

No. CIT/MISC/ 5752

Ministry of Defence and
External Affairs,
Senate Building, Colombo 1.

Date: 9.7.1958.

CEYLON CITIZENSHIP

Sir,

30 With reference to your letter dated 2.7.58, I
have the honour to request you to send me the
particulars asked for below in order that I may
consider under what section of the Citizenship Act,
your application should be considered.

2. This questionnaire should be returned to me
with the particulars given in the space provided for
the purpose.

I am, Sir,
Your obedient servant,
(frank)

40 for Permanent Secretary,
Ministry of Defence and External Affairs

Intd:

Prosecution Exhibits

Name: Mr. Tiruman alias Palanimalai Veerappen,
Address: No. 194, Main Street, Bandarawela.

P2
Questionnaire
sent by the
Permanent
Secretary to
the Ministry
of Defence
and External
Affairs to
Tiruman alias
Palanimalai
Veerappen,
9th July,
1958.
(Contd.)

PARTICULARS REQUIRED

- | | | |
|---|--|----|
| 1. Your name in full: | THIRUMALAI alis PALANIMALAI | |
| The date and place of your birth: | VEERAPPEN - 1.5.1918. -
Sherwood Estate, Haputale. | 10 |
| 2. Your occupation: | Trader. | |
| 3. When and where your parents were married? | Born in Ceylon. | |
| 4. Your father's name and place of birth: | VEERAKUTTY THIRUMAN alias
PALANIMALAI - Year 1898 at
Koslande. | |
| 5. Your paternal grand-father's name and place of birth: | VEERAKUTTY.
Place of birth not known. | 20 |
| 6. Your mother's name and place of birth: | LETCHUMEY.
Born in India. | |
| 7. Your maternal grand-father's name and place of birth: | Not known. | |
| 8. If married, the name of your spouse, his (or her) place of birth, and when and where you were married: | Mariaie.
Born in India.
Married in 1933. | 30 |
| 9. Your father-in-law's name and place of birth: | SELLAPPA KAVUNDER.
Born in India. | |
| 10. If you were not born in Ceylon, date of your arrival in Ceylon: | --- | |
| 11. Full particulars of your absence from Ceylon with the periods and the reasons for residing abroad. | --- | 40 |

- | | | | |
|----|---|------|--|
| | 12. Whether you have applied for or acquired the nationality of any country since your birth? If so, when and what nationality? | No. | <u>Prosecution Exhibits</u> |
| | | | P2 |
| | | | Questionnaire sent by the Permanent Secretary to the Ministry of Defence and External Affairs to |
| 10 | 13. State whether your citizenship status has been challenged, and if so, by whom? | No. | Tiruman <u>alias</u> Palanimalai Veerappen, 9th July, 1958. |
| | | | (Contd.) |
| 20 | 14. Whether, in the case of person declared to have been born in Ceylon, you can produce any documentary evidence, (e.g. birth certificates) in support of your declarations. (No documents should be sent with this form). | Yes. | |

Sgd: (in Tamil)
 Date: 16th July 1958. Signature of Applicant

CIT/4/MISC issued.

Intd: S.R.
21.7.58.

Prosecution Exhibits

P13

P13
Letter sent to Thirumalai alias Palanimalai Veerappen by the Permanent Secretary to the Ministry of Defence and External Affairs, 21st July, 1958.

LETTER SENT TO THIRUMALAI alias PALANIMALAI VEERAPPEN BY THE PERMANENT SECRETARY TO THE MINISTRY OF DEFENCE AND EXTERNAL AFFAIRS

No. CIT/4/MISC./5752

Ministry of Defence and External Affairs,
Colombo 1, 21.7.1958.

10

Sir,

CEYLON CITIZENSHIP

With reference to your letter dated 2.7.58 and the questionnaire completed by you on 16.7.58, I have the honour to inform you that if, as stated by you, you and your father were born in Ceylon, you are a citizen of Ceylon by descent. If you can prove that you and your father were born in Ceylon, e.g., by production of the relevant certificates of birth or other satisfactory documentary evidence, no further certificate from this Ministry is necessary to establish your citizenship status. However, should your citizenship status ever be challenged for purposes of employment or other official requirements, you may then apply to this Ministry for clarification of your position.

20

30

I am Sir,

Sgd:
for Permanent Secretary,
Ministry of Defence & External Affairs
27.11.57.

Mr. Thirumalai alias
Palanimalai Veerappen,
No. 194, Main Street,
Bandarawela.

40

61.

P3

LETTER OF THIRUMALAI alias PALANIMALAI
VEERAPPEN ADDRESSED TO THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE &
EXTERNAL AFFAIRS

Prosecution
Exhibits

P3

Letter of
Thirumalai
alias Palani-
malai Veera-
ppen addressed
to the
Permanent
Secretary to
the Ministry
of Defence &
External
Affairs,
25th July,
1958.

10 Circular and form issued.

Intd:
4.8.58.

REGISTERED

Thirumalai alias Palanimalai
Veerappen,
No. 194, Main Street,
Bandarawela.

25th July 1958.

20 Ref: Your: CIT/4/MISC/5752
of 21.7.1958.

To: The Permanent Secretary,
Ministry of Defence & External Affairs,
Colombo 1.

Sir,

Ceylon Citizenship

30 With reference to your letter dated 21.7.58
under the above reference I have the honour to
kindly request you to clarify my Citizenship
status as this is required for official purposes.

I require clarification for purposes of
obtaining Government Licences for trade.

Thanking you for your preferred attention,

Your obedient servant,

Sgd: (in Tamil)

Thirumalai alias Palanimalai Veerappen.

Sgd: (in Tamil)

(Seal)

40 Ministry of Defence &
External Affairs.
26 JUL 1958

H.C.S.6 pl?
Intd: 4.8.58.

Prosecution
Exhibits

P4

APPLICATION FOR CERTIFICATE OF CEYLON
CITIZENSHIP

P4
Application
for Certifi-
cate of
Ceylon
Citizenship,
15th August,
1958.

Issued.

Intd:
4.8.58.

10

Application No. CIT/6/3975

Certificate No. -

CEYLON CITIZENSHIP ACT, No. 18 OF 1948

Application for a Certificate of Citizen-
ship of Ceylon by descent in case of doubt

I, the undersigned, with respect to whose status as a citizen of Ceylon by descent a doubt exists and to whom the following particulars relate, hereby apply to the Minister of Defence & External Affairs for a Certificate of Citizenship of Ceylon by descent under Section 6 of the Citizenship Act, No. 18 of 1948.

20

Sgd: in (Tamil)

Signature of Applicant.

Date: 15th August, 1958.

A - PARTICULARS RELATING TO APPLICANT

- | | | |
|--|---|----|
| 1. Full name: | THIRUMAN alias PALANI-MALAI VEERAPPEN. | |
| 2. Address: | No. 192 Main Street,
Bandarawela. | 30 |
| 3. Occupation: | Merchant. | |
| 4. Date and place of birth: | 1.5.1918.
Sherwood Estate, Haputale. | |
| 5. If married, name and nationality of spouse: | Marialie - Indian by birth. | |

B - PARTICULARS RELATING TO APPLICANT'S
DESCENT

Prosecution
Exhibits

- | | | | |
|-----|--|--|---|
| 6. | Date (approximate) and place of marriage of applicant's parents: | 1916 - Koslande. | P4
Application
for Certifi-
cate of
Ceylon
Citizenship,
15th August,
1958.
(Contd.) |
| 7. | (a) Full name of father: | VEERAKUTTY THIRUMAN.
(in pencil - nationality not proven.) | |
| 10 | (b) Date and place of his birth: | 1898 - Koslande. | |
| | (c) His usual place of residence: | Deceased. | |
| | (d) His occupation: | Farmer. | |
| 8. | (a) Full name of mother: | LECHUMEY. | |
| | (b) Date and place of her birth: | Born in India - date not known. | |
| 20 | (c) Nationality: | Indian by birth.
(in pencil - not proven -
Sec. 4(1)(a)) | |
| | | Intd:
17.9.59. | |
| 9. | (a) Full name of paternal grandfather: | VEERAKUTTY. | |
| | (b) Date (or approximate year) and place of his birth: | Not known. | |
| 30 | (c) His usual place of residence: | Not known. | |
| | (d) His occupation: | Not known. | |
| 10. | (a) Full name of paternal great grandfather: | (Father born in Ceylon) | |
| | (b) Date (or approximate year) and place of his birth: | Not known. | |
| | (c) His usual place of residence: | Not known. | |
| | (d) His occupation: | Not known. | |

40

C - AFFIDAVIT

(To be made by the applicant in support of the Application)

I do solemnly, sincerely and truly declare and affirm that the foregoing particulars stated in

Prosecution Exhibits

P4
Application for Certificate of Ceylon Citizenship, 15th August, 1958.
(Contd.)

this application are true; and I make this statement conscientiously believing the same to be true.

Sgd: (in Tamil) on Re.1/= stamp

Signature of Applicant.

Affirmed at Bandarawela, this 26th day of August, 1958.

Before me: Sgd: D.M.W. Perera - A Justice of the Peace, Bandarawela.

10

D - DECLARATIONS BY PERSONS SUPPORTING APPLICATION

I, Mohamed Seyeth hereby state that I am a citizen of Ceylon by descent, and that I am intimately acquainted with and have a personal knowledge of the applicant and his family over a period of 25 years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

20

Sgd: M. Seyeth

Signature.

Full Postal Address: 67, Helagama Path, Badulla.

Occupation: Clerk.

Date: 15th August, 1968.

I, Kandasamy Nadarajah, hereby state that I am a citizen of Ceylon by descent, and that I am intimately acquainted with and have a personal knowledge of the applicant and his family over a period of 15 years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

30

Sgd: K. Nadarajah

Signature.

Full Postal Address: No. 88 Umayal Jewelry &

Textile Dealers,

Main Street, Bandarawela.

Occupation: Merchant.

Date: 15th August 1958.

I, Veerasamy Thangavale, hereby state that I am a citizen of Ceylon by descent, and that I am intimately acquainted with and have a personal knowledge of the applicant and his family over a period of (5 years) Five years. I can from my personal knowledge and belief vouch for the truth of the statements made by the applicant.

Prosecution Exhibits

P4
Application for Certificate of Ceylon Citizenship,
15th August, 1958.
(Contd.)

Sgd: V. Thangavale

10

Signature.

Full Postal Address: No. 88 Main Street,
Bandarawela.

Occupation: Merchant.

Date: 15th August 1958.

NOTE

20

1. The statements in the application should be supported by an affidavit (Section C) made by the applicant before a Justice of the Peace or a Commissioner of Oaths.

2. There should be forwarded with the application any documentary evidence available to prove the facts set out therein, particularly the statements made in Columns 4, 7(b), 9(b) and 10(b).

3. The application should be supported by three persons (Section D) each of whom must be -

(a) a citizen of Ceylon by descent;

(b) intimately acquainted with and having a personal knowledge of the applicant and his family; and

30

(c) able from his personal knowledge, and belief to vouch for the truth of the statements made by the applicant.

4. The applicant may be required by the Minister to supply such further information and proof as the Minister may think necessary.

5. A fee of Re.1/= is payable before the issue of a certificate under Section. (Covered by revenue stamps)

Prosecution Exhibits

P4
Application for Certificate of Ceylon Citizenship, 15th August, 1958.
(Contd.)

6. The application should be sent to - (Sgd: on Re.1/= Stamp)

The Permanent Secretary,
Ministry of Defence & External Affairs,
Senate Building, COLOMBO 1.

7. A person who, for the purpose of procuring anything under this Act, makes any statement which he knows to be false in a material particular is guilty of an offence which is punishable with imprisonment of either description for a term not exceeding three months.

67.

P5

Prosecution
Exhibits

LETTER OF TIRUMALAI alias PALANIMALAI
VEERAPPEN ADDRESSED TO THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE &
EXTERNAL AFFAIRS

P5

Letter of
Tirumalai
alias Palani-
malai Veera-
ppen addressed
to the
Permanent
Secretary to
the Ministry of
Defence &
External Affairs,
12th January,
1959.

10 R.No.7520
6/3975
REGISTERED

Tirumalai alias Palanimalai
Veerappen,
No. 194 Main Street,
Bandarawela.
12 Jan. 1959.

20 The Permanent Secretary,
Ministry of Defence and External Affairs,
COLOMBO.

Ref.No. CIT.4/4/MIS/5752 of 21.7.58

Sir,

30 I shall be much thankful to you, if you would
kindly let me know, what is happening to my above
papers, which was forwarded to you on 16.7.1958 and
in spite of several correspondence with your good-
self, nothing heard so far from your goodself.
Would you please kindly let me know the result of
the above subject at an early date as I wish to
clarification clarified early to tender my appli-
cation for a Pawn Brokers Licence.

Thanking you,

I am Sir,
Your obedient Servant,

Sgd: (in Tamil)

Papers passed on to G. on
4.8.58 pl.

Intd: S.R.
27.1.59.

(Seal)
Ministry of Defence &
External Affairs -
15 JAN. 1959

40

Prosecution
Exhibits

P6

P6
Letter of
Thiruman alias
Palanimalai
Veerappen
addressed to
the Permanent
Secretary to
the Ministry of
Defence &
External
Affairs,
1959.

LETTER OF THIRUMAN alias PALANIMALAI
VEERAPPEN ADDRESSED TO THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE &
EXTERNAL AFFAIRS

Thiruman alias Palanimalai
Veerappan,
194, Main Street,
Bandarawela.

10

The Permanent Secretary,
Ministry of Defence & External Affairs,
COLOMBO

Dear Sir,

Ceylon Citizenship: Your No. CIT/6/3975

With reference to your letter dated 12th Feb-
ruary 1959, herewith I have enclosed the results of
search made with regard to my father's birth and
death by The District Registrar, Badulla.

20

My parents are married according to Hindu
rites, and customs for which I have forwarded an
affidavit earlier.

Thanking you,

Yours faithfully,

Sgd: (in Tamil)

Encl: 2 R.S.R. No. 2219 & 1953.

P8

Prosecution ExhibitsEMPLOYEES' PROVIDENT FUND -
EMPLOYEE'S RECORD CARD (PART)

P8

Employees'
Provident

E.P.F.1 Fund-

Employee's
Record Card(Part),
26th August,
1959.

10

EMPLOYEES' PROVIDENT FUND -
EMPLOYEE'S RECORD CARDFORM: A.PART I

Full Name: VEERAPPAN, P PALANIMALAY

Other Names: ---

Employer's No.: 19/2

Member's No.: 1214

Address: Haputale Division, Haputale Estate, Haputale.

20 Nationality: Indian Tamil.

Sex: Male.

Age: 52

Date of Birth: ---

Place of Birth: Sivandanpalayam South India.

Married or Single: Married.

Name of Spouse: Mariaie, S.

Name and Place of Birth of Father: Palanimalay, South India.

Name of Mother: Nallammah.

30 Name and place of birth of paternal grandfather: Veerakuddy, South India.

Name of maternal grandfather: ---

Name of last Employer: ---

70.

Prosecution Exhibits

P8
Employees' Provident Fund - Employee's Record Card (Part), 26th August, 1959.
(Contd.)

Nature of Employment: Tea Estate Labourer.
Period Employed: 16 Years.
IDENTITY: (Thumb Marks affixed)
Any natural distinguishing marks: Scar on left thigh.
Name of Nominee: Mariaie, S. 10
Age: 34.
Relationship: Wife
Share: Full.
Sgd: (in Tamil)
Usual Signature.

PART II

Present Employer: Haputale Estate.
Nature of Employment: Tea Estate Labourer. 20
Date employed from: 1.10.43.
Rate of pay: W.B. rate under T.G.
8 M.T.

I hereby declare that the foregoing is an accurate record of the information furnished by the employee and that it has been verified from my records as far as it has been possible to do so. I hereby further certify that the thumb marks and signature were placed in my presence.

Date: 26th August 1959. 30

Sgd: ---

Assistant Superintendent, Haputale Estate.
Signature and Designation of
Employer or his Representative.

71.

P7

LETTER OF THIRUMAN alias PALANIMALAI
VEERAPPAN ADDRESSED TO THE PERMANENT
SECRETARY TO THE MINISTRY OF DEFENCE
& EXTERNAL AFFAIRS

Prosecution
Exhibits

P7

Letter of
Thiruman alias
Palanimalai
Veerappan
addressed to
the Permanent
Secretary to
the Ministry
of Defence &
External
Affairs,
12th September,
1959.

R.No.4680

10

Thiruman alias Palanimalai
Veerappan,
194, Main Street,
Bandarawela.
12th September 1959.

The Permanent Secretary,
Ministry of Defence & External Affairs,
Hemas Buildings,
COLOMBO.

20

Dear Sir,

Ceylon Citizenship - Your Ref: No.CIT/
6/3975

With reference to your letter dated 11th
instant herewith enclosed a stamp for Rs.1/=.
Please be good enough to forward me the Citizen-
ship certificate at an early date and oblige.

Thanking you,

30

Yours faithfully,

Sgd: (in Tamil)

(Seal)
Ministry of Defence & External
Affairs.

15 SEP 1959.

Prosecution Exhibits

P15

P15
Certificate
of Citizen-
ship of
Ceylon
granted to
Thiruman
alias
Palanimalai
Veerappen,
22nd September,
1959.

CERTIFICATE OF CITIZENSHIP OF CEYLON
GRANTED TO THIRUMAN alias PALANIMALAI
VEERAPPEN

(Seal)Dept. of Immigration
& Emigration Ceylon.

7 May 1960

U5/PT/60/696.

Regd. Post.

Citizenship 4

10

No.D/2499

File No. CIT/6/3975

THE CITIZENSHIP ACT, No.18 OF 1948

Certificate of Citizenship of Ceylon by
descent granted to a person with respect
to whose status as a citizen of Ceylon
by descent a doubt exists.

20

WHEREAS Thiruman alias Palanimalai Veerappen
with reference to whose status as a citizen of
Ceylon by descent a doubt exists, has duly applied
to the Minister of Defence and External Affairs for
a certificate of citizenship as provided for by
section 6 of the Citizenship Act, No. 18 of 1948,
alleging with respect to himself/herself, the
particulars set out overleaf:

NOW, therefore, in pursuance of the powers
conferred on him by the said section 6 and for the
purpose of removing the said doubt, the Minister of
Defence and External Affairs certifies that the
said Thiruman alias Palanimalai Veerappen is a
citizen of Ceylon by descent, and declares that
he/she is entitled to all political and other
rights, powers, and privileges and is subject to
all obligations, duties and liabilities to which a
citizen of Ceylon by descent is entitled or subject,
and has to all intents and purposes the status of a
citizen of Ceylon by descent.

30

40

In witness whereof I have
hereunto subscribed my name.

(frank) S.W.R.D.
Banadaranaiké

Sgd:

MINISTER

for Permanent Secretary,

Date: 22nd September, 1959.

Ministry of Defence and External Affairs, Colombo.

Particulars relating to ApplicantProsecution Exhibits

	Full Name:	Thiruman alias Palanimalai Veerappen.	P15
	Address:	192, Main Street, Bandarawela.	Certificate of Citizen- ship of Ceylon
10	Trade or occupation:	Merchant.	granted to Thiruman
	Place and date of Birth:	Sherwood Estate, Haputale, 1st May 1918.	<u>alias</u> Palanimalai Veerappen,
	Name and nationality of father:	Veerakutty Thiruman; Nationality not proven.	22nd September, 1959.
	Name and nationality of mother:	Lechumey, Nationality not proven.	(Contd.)
20	Claim to citizenship by descent:	Section 4(1)(a).	

Prosecution Exhibits

P11

P11
Statement of
Veerappan
son of
Thiruman
alias Palani-
malai, the
statement of
Mariaie wife
of Veerappan
and statement
of Nadarasa son
of Kandasamy,
5th March,
1960.

STATEMENT OF VEERAPPAN SON OF THIRUMAN
alias PALANIMALAI, STATEMENT OF MARIAIE
WIFE OF VEERAPPAN AND STATEMENT OF
NADARASA SON OF KANDASAMY

Haldummulla, 5th March
1960.

10

VEERAPPAN, son of THIRUMAN alias PALANIMALAI: 42
years, Watcher of Haputale Estate, Haputale, present
and states:

When I was a labourer on Sherwood Estate in the
year 1933 I married one Mariaie. In 1934 my wife
went on a pilgrimage with other Estate labourers to
India. At the time she was expecting a child. She
went to our native place in India called Sevand-
hapalayam and when she was there she gave birth to
her child, which fact she informed me by letter. She
was unable to return with the others who went
on pilgrimage but came about five or six months
later. When she came she brought the child who is
the applicant.

20

Read and explained.

Sgd: (in Tamil)

Intd: ---

MARIAIE, wife of VEERAPPAN: 41 years of Bandarawela,
present and states:

30

The last witness is my husband. About a year
after I married him, I went on a pilgrimage to
India with some other Estate labourers. My husband
did not accompany me. At that time we were
labourers on Sherwood Estate. When I went to India
I was expecting a child. At India I visited my
mother's village Sevandhapalayam and when I was
there I gave birth to a male child who is the
applicant, Nalliah. I returned to Ceylon after
about five or six months with the child.

40

Read and explained.

Intd:-----X
DR. 27/64-65
(left thumb
impression of
Mariaie.)

NADARASA, son of KANDASAMY: 40, years, Jeweller, of 88, Main Street, Bandarawela present and states:

Prosecution Exhibits

10 In the year 1933 I was working with my father who was a jeweller at Bandarawela. At that time Veerappan, father of the applicant, got my father to make a thali for his (Veerappen's) marriage. My father sent me with the thali to the wedding and so I came to attend that ceremony which took place according to Hindu rites at the Haputale Kathiresan Kovil. Veerappan married Mariaie. My father knew these people well and they often visited our jewellery shop at Bandarawela. Therefore I came to know that about a year later Mariaie went to her village in India and her first child was born there. She returned a few months later with her child who is the applicant, Nalliah, and whom I have known well since his infancy.

P11
Statement of
Veerappan
son of
Thiruman
alias Palani-
malai, the
statement of
Mariaie wife
of Veerappan
and statement
of Nadarasa
son of
Kandasamy,
5th March,
1960.
(Contd.)

Read and explained.

Sgd: K. Nadarajah

20 Intd:

5.3.60.

P9

Prosecution
Exhibits

P9
Employees'
Provident
Fund
Certificate
of Member-
ship,
30th April,
1960.

EMPLOYEES' PROVIDENT FUND-CERTIFICATE
OF MEMBERSHIP

<u>EMPLOYEES' PROVIDENT FUND</u>		<u>E.P.F.2.</u>	<u>FORM: B</u>
<u>Certificate of Membership</u>		Full name of Member:	VEERAPPAN, P. PALANIMALAY. 10
Employer's No: 19/S.		Other Names:	---
Member's No.: 1214.		Address:	Haputale Division, Haputale Estate, Haputale.
Left Thumb Mark	Right thumb Mark	Usual Signature:	(Sgd: - in Tamil).
<u>P9a.</u>	<u>P9a1</u>	Signature Sgd:	---
Intd: M.S. Magistrate. 11.9.65. X	Intd: M.S. Magistrate. 11.9.65. X	of Witness:	20
(Left thumb Mark)	(Right thumb Mark)	The above-named is a member of the Employees' Provident Fund with effect from 1st September 1959.	
DR.27/64-65	DR.27/64-65	Sgd: Illegibly. for Commissioner of Labour.	
		Date: 30.4.1960.	30

1. This certificate is the property of the Commissioner of Labour and should be produced or surrendered to him whenever required to do so.

PART D1

CHARGE SHEET AND RECORD OF DISCHARGE
 IN JOINT MAGISTRATES' COURT, COLOMBO,
CASE No. 29950

Defence
Exhibit

Part D1
 Charge Sheet
 and Record
 of Discharge
 in Joint
 Magistrates'
 Court,
 Colombo,
 Case No.
 29950,
 28th October,
 1963 to 24th
 February,
 1965.

CHARGE SHEET

10 Accused Palanimalay Veerappan.

1. That between the 2nd day of July, 1958 and the 22nd day of September, 1959 at Colombo within the jurisdiction of this Court, you did by submitting Birth Certificate bearing No. 41904 issued by the District Registrar of Births, Badulla with your application for a certificate of Citizenship in terms of Section 6 of the Citizenship Act (Chapter 349 L.E.C.) attempt to deceive the Hon. S.W.R.D. Bandaranayake, Minister of Defence and External Affairs into the belief that the said Birth Certificate which referred to the birth of Veerappan S/O Tiruman born at Sherwood, Haputale on 1st May, 1918, referred to your birth, and thereby fraudulently attempted to induce the said Hon. S.W.R.D. Bandaranayake to issue you with a certificate of Citizenship in terms of Section 6 of the Citizenship Act (Chapter 349 L.E.C.) which act he would not have done had he not been so deceived, and which act was likely to cause loss or damage to the Government and you have thereby committed an offence punishable under Section 400 read with Section 490 of the Penal Code.

20

30

40

2. That at the time and place aforesaid and in the course of the same transaction you did for the purpose of procuring a certificate of Citizenship issued in terms of Section 6 of the Citizenship Act (Chapter 349 L.E.C.) make a statement to wit; that you were Veerappan S/O Tiruman born at Sherwood Estate, Haputale Ceylon on 1st May, 1918, knowing such statement to be false in a material particular to wit, that you were Veerappan S/O Tiruman a Citizen of Ceylon by descent and you are thereby guilty of an offence punishable under section 25 of the Citizenship Act.

Defence
Exhibit

24.2.65:

Accused: P. Veerappan - present.

Part D1
Charge Sheet
and Record
of Discharge
in Joint
Magistrates'
Court,
Colombo,
Case No.
29950,
28th October,
1963 to 24th
February,
1965.
(Contd.)

Evidence.

Mr. Adv. Sittampala instructed by Mr. Siva Subra-
maniam for the accused.

Mr. W. Paul C.C. for the prosecution states that the
prosecution is not adducing any evidence against the
accused in this case.

I discharge the accused.

Intd: K.V.S.

Magistrate.

IN THE PRIVY COUNCIL

No. 11 of 1968

O N A P P E A L
FROM THE SUPREME COURT OF CEYLON

B E T W E E N :-

THIRUMAN PALANIMALAY VEERAPPEN
Appellant

- and -

THE ATTORNEY GENERAL
Respondent

R E C O R D O F P R O C E E D I N G S

A.L. Bryden & Williams,
20, Old Queen Street,
London, S.W.1.

Solicitors and Agents
for Appellant.

Hatchett Jones & Co.,
90, Fenchurch Street,
London, E.C.

Solicitors and Agents
for Respondent.