

(1897) 11 MAD CK 0021
In the Madras High Court

Adikkan

APPELLANT

Vs

Alagan and Others

RESPONDENT

Date of Decision : 01-11-1897

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 560

Citation : (1898) ILR (Mad) 237

Hon'ble Judges : Arthur J.H. Collins, C.J;Benson, J

Bench : Division Bench

Judgement

1. We cannot concur in the view of the law taken by the Head Assistant Magistrate. He relies on Shib Nath Chong v. Sarat Chunder Sarkar ILR

22 Cal. 586. That case is not on all fours with the present case but even if it were, we should, with great respect for the learned Judges who

decided it, feel bound to dissent from its conclusions. We do not think that there is anything in the terms of Section 560, Criminal Procedure Code,

to justify the conclusion that a Magistrate who grants sanction to prosecute for offences punishable under Sections 211 and 193 Indian Penal

Code, is ipso facto debarred from also granting compensation u/s 560, Criminal Procedure Code, to the person falsely accused. The sanction to

prosecute for making a false charge is granted on grounds of public policy for an offence against public justice. The compensation is granted partly

in order to deter complainants from making vexatious and frivolous complaints, and partly in order to compensate the accused for the trouble and

expense to which he has been put by reason of the false complaint. We can see no ground in law or reason why compensation should not be

granted in a case in which the Magistrate also directs a prosecution for making a false charge. The case Queen v. Rupan Rai 6 B.L.R. 296 relied

on by the learned Judges appears to us to be an authority directly opposed to their conclusion.

2. However that may be, the interpretation of the law by this Court to which the Magistrate refers is clear and is opposed to the view recently

taken by the Calcutta High Court. The Magistrate is bound to take the law as it is laid down by this Court, and ought not to rely on the decision of

another High Court when it is opposed to the decision of this Court.

3. We set aside the order of the Head Assistant Magistrate and affirm that of the Second-Class Magistrate.