

**(1914) 04 AHC CK 0017**  
**In the Allahabad High Court**

Bidhachal Prasad Rai

APPELLANT

Vs

Lal Bihari Rai and Others

RESPONDENT

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**Date of Decision :** 15-04-1914

**Acts Referred:**

Criminal Procedure Code, 1898 (CrPC) — Section 107, 250

**Citation :** 25 Ind. Cas. 330

**Hon'ble Judges :** Piggott, J

**Bench :** Single Bench

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**Judgement**

Piggott, J.—In view of the definition of the word "offence" in the Code of Criminal Procedure, it is clear that a person in respect of whom information has been laid before a Magistrate to the effect that he is likely to commit a breach of the peace or is otherwise liable to the provisions of Section 107 of the Code, is not a person accused of any offence. An order for payment of compensation cannot be made against a man who has petitioned a Magistrate to take action u/s 107 of the Code. The objection is one which should have been taken before the Magistrate when the petitioner, Bindhachal Prasad, was called upon to show cause why the order u/s 250 should not be made against him; but the order complained of being, in my opinion, illegal, I cannot allow it to stand now that it has come before me in revision. I set aside the order directing Bindhachal Prasad to pay compensation to each of the four persons in respect, of whom proceedings, u/s 107 of the Code were taken. The money, if paid, will be refunded.