

(1909) 11 MAD CK 0052
In the Madras High Court

Dandayudapani Sholingam

APPELLANT

Vs

Thirumalai Sholagan alias Velu Sholagan and Others

RESPONDENT

Date of Decision : 16-11-1909

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 250

Citation : 4 Ind. Cas. 399

Hon'ble Judges : Ralph Benson, O.C.J.;Abdur Rahim, J

Bench : Division Bench

Judgement

1. We are not prepared to say that the District Magistrate was wrong in holding that he had no power to deal with the Divisional Magistrate's order to pay compensation u/s 250, Cr.P.C. But we think that he ought to have gone into the main question raised by the petitioner before him, viz., whether the Divisional Magistrate's order of discharge was right or not. If he found that it was right, he should have declined to interfere, in which case the matter would probably have rested there and not have been brought before this Court. If he found that the order of discharge was not right he might properly have referred the matter for the orders of this Court, which could then have conveniently dealt both with the order of discharge and with the order for payment of compensation.

2. We will, therefore, direct the District Magistrate to restore the petition to his file and to deal with it in the manner we have indicated.