
(1922) 06 AHC CK 0014
In the Allahabad High Court

Mannu Khan

APPELLANT

Vs

Chandi Prasad and Others

RESPONDENT

Date of Decision : 16-06-1922

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 107

Criminal Procedure Code, 1898 (CrPC) — Section 119, 250

Citation : AIR 1922 All 321 : 67 Ind. Cas. 826

Hon'ble Judges : Ryves, J

Bench : Single Bench

Judgement

Ryves, J.—Mannu Khan laid information before the Magistrate in consequence of which action was taken u/s 107 of the Criminal Procedure Code against a number of persons. After enquiry, the Magistrate discharged these persons u/s 119 of the Criminal Procedure Code and held that the complaint made against them was vexatious and frivolous, and ordered the complainant to pay them each Rs. 15 as compensation u/s 250 of the Criminal Procedure Code. On revision before the learned District Magistrate he has referred the case to this Court with a recommendation that the order u/s 250 be set aside. Section 250 is only applicable in a case instituted by complaint or on information given to a Police Officer or to a Magistrate whereupon a person is accused before a Magistrate of "an offence." It has been held by this Court in *Ram Sukh Rai v. Mahudeo Rai* 7 Ind. Cas. 290 : 7A.L.J. 743 : 11 Cri. L.J. 446 that Section 250 does not apply to an enquiry u/s 107 of the Criminal Procedure Code. That ruling followed an earlier ruling of this Court which laid down the same principle, viz., *Queen-Empress v. Lakhpat* 15 A. 385; (1893) A.W.N.114 : 7 Ind. Dec. 952. It seems to me that those cases are in point. I accordingly accept the reference and direct that if the fines ordered to be paid u/s 250 have been paid they be refunded, otherwise the order for payment is set aside.