

**Emperor Vs. W. C. Keymer**

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**SooperKanoon Citation :** [sooperkanoon.com/448932](http://sooperkanoon.com/448932)

**Court :** Allahabad

**Decided On :** Nov-28-1913

**Reported in :** (1914)ILR36All53

**Judge :** Pramada Charan Banerji and ;Ryves, JJ.

**Appellant :** Emperor

**Respondent :** W. C. Keymer

**Judgement :**

**Pramada Charan Banerji and Ryves, JJ.**

1. Mrs. Williams lodged a complaint against W. C. Keymer, charging him with several offences in connection with the purchase of a phaeton and a motor car. The case was tried at length by a magistrate of the first class, who, on the 17th of March, 1913, passed an order of discharge on all the (1) Weekly Notes, 1895, p. 86. charges. Subsequently Mrs. Williams complained to the police with reference to an item of Rs. 182, which she had paid to Keymer in connection with the purchase of a motor car and which she charged him with criminally misappropriating. The case was re-instated in the court of the same magistrate who had already passed the order of discharge as stated above. In this second case he has taken some evidence on behalf of the prosecution and framed a charge. This court was then moved in revision on the ground that it was not open to the Magistrate having once discharged the accused, to again inquire into the

same charge on a second complaint. It seems to us that we are bound by the ruling in *Queen-Empress v. Umedan* (1). That ruling completely covers the facts of this case, and it has been followed more than once in this Court. That, no doubt, was a case of the dismissal of a complaint under Section 203 of the Code of Criminal Procedure, but in our opinion the principle is the same and applies to this present case. We think, therefore, that the Magistrate had jurisdiction. We think, however, that the more appropriate tribunal to decide this case is a civil court. The application is rejected. With these observations we direct the record to be returned for disposal.

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