

Ram Singh Vs. Mathura and ors.

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Court : Allahabad

Decided On : Feb-21-1912

Reported in : (1912)ILR34All354; 14Ind.Cas.599

Judge : George Knox, J.

Appellant : Ram Singh

Respondent : Mathura and ors.

Judgement :

George Knox, J.

1. This case has been rightly reported. I find that the learned Magistrate in his judgment says:--'The case is utterly false and I acquit all the accused.' Section 250 of the Code of Criminal Procedure was not intended to meet the case of false accusations. It was meant to meet with frivolous and vexatious accusations. Where a person complains that he was kept in confinement for three days, he is going a long step beyond making a frivolous or vexatious accusation. Over and above this, the words contained in Section 250 are clear. If a Magistrate wishes to direct payment of compensation in frivolous cases, he is to give the direction by his order of discharge or acquittal. In other words, before pronouncing the order of discharge or acquittal, he has to call upon complainant and to record and consider any objections that the complainant may make. After having done so, and not before, should he place on record or, at any rate, only then, pronounce his order of

discharge or acquittal. I set aside the order of payment of Rs. 30 as compensation and direct that it be returned to Bam Singh.

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