

The Queen-empress Vs. Polavarapu

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Court : Chennai

Decided On : Aug-19-1884

Reported in : (1883)ILR7Mad563

Judge : Hutchins, J.

Appellant : The Queen-empress

Respondent : Polavarapu

Judgement :

Hutchins, J.

1. The decision of Mr. Justice Tyrrell in Ishri v. Bakshi I.L.R. 6 All. 96 seems correct, although his reasons have not been fully-stated. Section 4 of the Criminal Procedure Code defines a complaint to mean 'the allegation made orally or in writing to a Magistrate, with a view to his taking action under this code, that some person has committed an offence.' Here the accusation was made to a police officer who took action and laid the matter before the Magistrate with a charge sheet.

There was no complaint as defined by the Code, and the case not having been instituted upon complaint,' the Magistrate had no power to award compensation under Section 250 of the Code of Criminal Procedure. The award of compensation is accordingly quashed and the 5 rupees must be refunded to the person from

whom it was levied.

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