

**In Re: Arulanantham Pillai**

**In Re: Arulanantham Pillai**

**SooperKanoon Citation :** [sooperkanoon.com/810549](http://sooperkanoon.com/810549)

**Court :** Chennai

**Decided On :** Nov-23-1911

**Reported in :** 13Ind.Cas.221

**Judge :** Sundara Aiyar and ;Spencer, JJ.

**Appellant :** In Re: Arulanantham Pillai

**Judgement :**

ORDER

1. In this case the second class Magistrate awarded compensation to the accused, who was acquitted on a charge of theft. The complainant gave to the Village Magistrate information of the theft, and the Village Magistrate made a report to the Police. The 2nd class Magistrate took cognizance of the offence on the report of the Police. The Sub-Divisional Magistrate set aside the order awarding compensation on the ground that the case was not instituted by 'complaint' as defined in the Criminal Procedure Code or upon information given to a Police officer or to a Magistrate, the Village Magistrate not being a Magistrate within the meaning of Section 250 of the Criminal Procedure Code (see Sub-section 1). In this view, the Sub-Divisional Magistrate was, in our opinion, right. The only person to whom the complainant gave information was the Village Magistrate. He cannot be regarded as having given information to a Police officer, although the Village Magistrate was bound to report the occurrence to the Police. King-Emperor v. Thamma Reddi 25 MP. 667 is exactly in point. Its authority is, in no way, affected by the case of the Sessions Judge of Tinnevely Division v. Sivan Chetty

32 MP. 258 : 5 M.L.T. 269 : 9 CrI. L.J. 170 : 1 Ind. Cas. 187. That case decided only that when information is given to a Village Magistrate, it might, in certain cases, amount to an institution of criminal proceedings on a charge of an offence. That has no bearing on the question whether information given to a Village Magistrate can be regarded as information given to the Police to whom he was bound to report. We are of opinion, therefore, that there is no ground for interference. The record will be returned to the Sessions Judge.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**