

## APPELLATE CRIMINAL.

*Before Mr. Justice Brandt.*

PITCHI

against

ANKAPPA.\*

1885.  
May 27, 29.*Criminal Procedure Code, s. 250—Fivolous complaint—Compensation—Cattle Trespass Act, ch. v—Complaint of illegal seizure not complaint of offence.*

The illegal seizure of cattle under colour of the Cattle Trespass Act, 1871, not having been constituted an offence under that Act or otherwise, an award of compensation under s. 250 of the Code of Criminal Procedure to the accused on such complaint is illegal.

THIS was a case referred for the orders of the High Court by J. Grose, District Magistrate of Nellore.

The facts appear sufficiently for the purpose of this report from the judgment of the Court.

Counsel were not instructed.

BRANDT, J.—The illegal seizure of cattle under the colour of Act I of 1871 is not constituted an offence under that Act or otherwise, and the Third-class Magistrate was not empowered under s. 250 of the Criminal Procedure Code to award compensation for what he held to be a frivolous and vexatious complaint in respect of such alleged illegal seizure, for, as the District Magistrate observes, that section deals with the acquittal or discharge of an accused person in a case instituted upon "complaint" which, for the purposes of the Code, is defined as "an allegation \* \* \* made \* \* \* that some person has committed an offence." The order of the Magistrate, in so far as it awards compensation, must then be, and it is, set aside and the money awarded must be refunded.

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\* Criminal Revision Case 271 of 1885.