

REVISIONAL CRIMINAL.

Before Mr. Justice Martineau.

ACHHRU MAL—Petitioner

versus

THE CROWN—Respondent.

Criminal Revision No. 1366 of 1925.

Criminal Procedure Code, Act V of 1898, section 250 (as amended by Act XVIII of 1923)—Order for payment of compensation—need not now be contained in the order of discharge.

The trial Magistrate discharged the accused and in the order of discharge called upon the complainant to show cause why he should not be ordered to pay compensation to the accused under section 250 of the Code of Criminal Procedure, and subsequently passed a separate order awarding compensation. It was contended that the subsequent order awarding compensation was illegal.

Held, that the procedure followed by the Magistrate was correct, as the law had been amended by the Criminal Procedure (Amendment) Act of 1923, and by the present section 250 it is only the order calling upon the complainant to show cause why he should not pay compensation which has to be contained in the order of discharge, and not the order for payment of compensation, which has necessarily to be a subsequent order.

Narpat Rai v. King-Emperor (1), distinguished.

Case reported by Lala Chuni Lal, Additional Sessions Judge, Ferozepore, with his No. nil of 1925.

SUNDAR DAS, for Petitioner.

Nemo, for Respondent.

JUDGMENT.

MARTINEAU J.—*Narpat Rai v. King-Emperor* (1) cited by the learned Additional Sessions Judge was a ruling under the Code of 1898. By section 250 of

(1) 57 P. R. (Cr.) 1905.

that Code the order for payment of compensation had to be made by the order of discharge. The law has now been amended, and by the present section 250 it is only the order calling upon the complainant to show cause why he should not pay compensation which has to be contained in the order of discharge. The order for payment of compensation was necessarily a subsequent order. The Magistrate followed the correct procedure, and I decline to interfere. Let the records be returned.

A. N. C.

Revision dismissed.

REVISIONAL CRIMINAL.

Before Mr. Justice Broadway.

BANWARI AND OTHERS—Petitioners

versus

THE CROWN—Respondent.

Criminal Revision No. 1443 of 1925.

Criminal Procedure Code, Act V of 1898, sections 15, 16 and 350A—Bench of Magistrates—Quorum of—only one Magistrate present throughout—Proceedings quashed.

A prosecution extending into several hearings was presided over by a Bench of Honorary Magistrates (consisting of three) only one of whom was present throughout.

Held, that as the *quorum* of the Bench consisted of two, the trial was bad under section 350A of the Code of Criminal Procedure.

Application for revision of the order of Rai Sahib Lala Labhu Ram, District Magistrate, Rohtak, dated the 20th June 1925, affirming that of the Bench of Honorary Magistrates, 2nd class, at Beri, tahsil Jhajjar, district Rohtak, dated the 26th May 1925, convicting the petitioners.

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