

state them so, that this Court, on revision, may judge whether there were sufficient materials before him to support the conviction.

In this case we do not find that there is any finding at all in the reasons stated, that the applicants remained in the premises on which they are alleged to have trespassed with any such intents as are mentioned in s. 447 of the Penal Code. All that the lower Court upon that point says is this, that "their original entry on the property was lawful, but their remaining there to gamble and creating a row must be held to bring the accused within s. 447." It does not even say that they remained there in order to create a row, but simply that they remained there to gamble, and then created a row afterwards. Even if the lower Court had found that they remained there to create a row, it would have been doubtful whether such a finding would have been sufficient, because it would have been as much consistent with the knowledge that they were likely to annoy as with the intention to do so. But as the finding now stands, there is not a shadow of ground for supposing that there was any evidence before the lower Court upon which it could be found that they remained there with any such intent as it is necessary to establish under s. 447.

The conviction is, therefore, set aside, and the applicants directed to be released.

Conviction set aside.

CRIMINAL REFERENCE.

Before Mr. Justice Mitter and Mr. Justice Maclean.

MONA SHEIKH *v.* ISHAN BARDHAN.*

*Criminal Procedure Code (Act X of 1872), s. 211—Order of Acquittal—
Compensation to Accused.*

An order for compensation against a complainant may be made on an order of acquittal under s. 211 of the Criminal Procedure Code.

* Criminal Reference, No. 211 of 1880, and letter No. 2987 from A. J. Alexander, Esq., Magistrate of Mymensing, dated the 14th December 1880.

1881

IN THE MAT-
TER OF THE
PETITION OF
PANJAB
SINGH.

1881
Jan. 10.

1881

MONA
SHEIKH
v.
ISHAN
BARDHAN.

THE complainant, Mona Sheikh, complained before the police at Gopalpore, that the accused and others arrested him, took him to one Poran Bardhan's house, maltreated him, and kept him in confinement, but afterwards released him. The accused was discharged at the hearing before the Sub-Deputy Magistrate, a Magistrate who could only exercise 3rd class power under s. 211 of the Criminal Procedure Code, and the complainant was directed to pay the accused Rs. 20 as compensation. The case was referred by the Joint Magistrate to the High Court, under s. 296 of the Criminal Procedure Code.

The material portion of the opinion of the Court was as follows :—

MITTER, J.—We do not think that the trial and acquittal were illegal. As for the order for compensation, s. 209 seems to contemplate a dismissal of the complaint rather than an acquittal of the accused; but referring to s. 212 and to the order in which the sections come, we are not prepared to say that an order to pay compensation may not be added to an acquittal.

Before Mr. Justice Mitter and Mr. Justice Maclean.

1881

Jan. 13.

THE EMPRESS v. SALIK ROY.*

Penal Code (Act XLV of 1860), s. 211—Charge made on Report of Police that Case was False—Charge of giving False Information.

A commitment for trial under the provisions of s. 211 of the Penal Code, for knowingly instituting a false charge with intent to injure the persons accused, is not illegal, merely because the complaint which the accused made has not been judicially enquired into, but is based on the report of the Police that the case was a false one.

SALIK ROY, the accused, sent information to the Police through the chowkidar, charging certain persons with setting fire to his house; and he repeated the charge to the Police officer who went to his village to investigate the case. In the end the Police reported the case to be a false one. The Magistrate, thereupon,

* Criminal Reference, No. 213 of 1880, and letter No. T.b. 1, from J. F. Stevens, Esq., Officiating Sessions Judge of Sarun, dated the 18th December 1880.