

1897.  
December 13.

URANERIS *v.* JANDRIS *et al.*

*P. C., Balapitiya, 17,061.*

*Making false charge—Complaint direct to Magistrate—Liability of complainant to fine—Ordinance No. 16 of 1865, s. 54.*

A Magistrate has no power, in a case in which he finds that the complainant had not sufficient grounds for making the charge, to impose a fine on the complainant under section 54 of Ordinance No. 16 of 1865, if the complainant had made his complaint direct to the Magistrate and not to a police officer in the first instance.

IN this case the complainant on the 4th May, 1897, presented a plaint to the Police Magistrate, in which he charged the accused with having voluntarily caused hurt to him with a knife. The accused were tried on the above charge on the 1st October, and in acquitting them the Magistrate made order as follows :—

“ I feel it my duty not to overlook the conduct of the complainant in having made this charge against the accused without sufficient grounds for making it. I consider it expedient, in the interests of justice, to deal with him severely, as it is an acknowledged fact that there is a tendency on the part of some people in this district to prefer false charges of cutting and stabbing against their enemies with the view of having them lashed, and thereby bring them to disgrace. I sentence complainant to pay a fine of Rs. 50, in default to one month’s simple imprisonment, as provided for by section 54 of Ordinance No. 16 of 1865.”

From the above order the complainant appealed.

*W. Pereira*, for appellants.

*Cur. adv. vult.*

13th December, 1897. LAWRIE, A.C.J.—

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Mr. Pereira argued that the 54th section of the Police Ordinance, No. 16 of 1865, did not apply to cases where the complaint was made direct to the Magistrate, but only to cases in which an accused was given in charge to a police officer, or in which a charge was made to a police officer on an information or complaint laid before a police officer. I agree in that the Ordinance regulates police matters only. This complaint was made to the Magistrate, not to the police, and the 54th section does not apply. I therefore set aside the order appealed against.

