

[IN REVISION.]

Present: Pereira J.

INSPECTOR, LOCAL BOARD, CHILAW, v. SOLLAMUTTU.

*P. C. Chilaw, #1,071.**Offence under the Police Ordinance—May a person other than a police officer prosecute ?*

Anybody may, as a general rule, give a Police Court information of an offence, and it is open to the Court to commence proceedings on information so given. The Court may, however, in its discretion refuse to entertain a complaint where it appears that the complainant has no interest whatever in the prosecution, especially where the alleged offence is against a law passed for the benefit or protection of a certain class of persons.

An Inspector of a Local Board prosecuted a person for obstruction of a public thoroughfare under the Police Ordinance. The Magistrate discharged the accused on the ground that complainant could not prosecute in respect of an offence under the Police Ordinance. *Held.* that the prosecution was in order.

THE complainant, Inspector of the Local Board of Chilaw, prosecuted the accused for obstructing a thoroughfare under the Police Ordinance. The Magistrate acquitted and discharged the accused on the ground that a person other than a police officer could not prosecute under the Police Ordinance.

The complainant moved the Supreme Court by way of revision.

Sansoni, for applicant.

September 23, 1914. PEREIRA J.—

This is a prosecution under the Police Ordinance instituted by the Inspector of the Local Board of Chilaw. The Magistrate has dismissed the charge and acquitted and discharged the accused, because, in his opinion, the complainant could not prosecute in respect of an offence under the Police Ordinance as he was not a police officer. Now, the general rule is that anybody may give a Police Court information of an offence, and it is quite open to the Court to commence proceedings on information so given. The Court may, however, in its discretion refuse to entertain a complaint where it appears that the complainant has no interest whatever in the prosecution, especially where the alleged offence is against a law passed for the benefit or protection of a certain class

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of persons. That cannot be said with reference to the present prosecution. The offence complained of is the obstruction of a public thoroughfare, and an Inspector of a Local Board can hardly be said to be a person not interested in his official capacity in seeing that the public thoroughfares of his town are free from obstruction. In revision I quash the order dismissing the charge and acquitting and discharging the accused, and remit the case to the Police Court to be proceeded with in due course.

Proceedings quashed and case remitted.

