

## Crown Cases.

1864.  
Jan. 11.

REG. V. YELLA'PPA' bin MUDAKA'PPA'.

*Frivolous Prosecutions—Fines—Compensation—Crim. Proc. Code,  
Sec. 270.*

Magistrates have no power to award fines to accused as compensation for frivolous and vexatious prosecutions, except in cases in which a summons on complaint shall ordinarily issue.

**L** REID, the Acting Magistrate of Dhárwár, wrote, under No. 1256 of 1863, dated the 16th of December 1863, to the Court's Registrar, as follows:—

“ Under the provision of Sec. 434 of the Code of Criminal Procedure, I have the honour to forward for the orders of the Court a case in which the Mámíatdár of the Rohan Táluká, holding the authority of 2nd Class Subordinate Magistrate, has, in a case of theft tried by him, fined the complainant Rs. 10, and ordered it to be paid to the accused, under Sec. 270 of the Procedure Code, the complaint having turned out to be frivolous and vexatious.

“ As such fines are awardable only in cases triable by the Magistrate, in which a summons on complaint shall ordinarily issue, the order passed by the Mámíatdár in this case is illegal.”

PER CURIAM (FORBES and COUCH, JJ.):—The Court reverses the order of the Subordinate Magistrate, and directs that the fine, if levied, be restored.

*Order reversed.*

Jan. 27.

REG. V. DA'MQDCHAR DA'LJI.

*False Weights—Ind. Pen. Code, Sec. 266—Fraudulent Intention*

The mere possession of weights in excess of the authorised standard will not support a conviction under Sec. 266 of the Indian Penal Code; a fraudulent intent must be charged and proved.

**T**HIS case came before the Court on the return of the Magistrate of Khedá. It appeared from the record and