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Name of College : R.M.M Law College, Sabarasa

3rd Part Paper - III

Name of Subject : Code of Criminal  
Procedure

~~Name of~~

Topic : Chapter XV i.e. Complaints  
to Magistrate

Date: 28-04-20

1. Any Magistrate, on receipt of a Complaint of an offence of which he is authorized to take Cognizance or which has been made over to him u/s 192 Cr.P.C, may, if he thinks fit (and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction) postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a ~~Sub~~ Police officer or by such other person as he thinks fit, for the purpose of deciding whether or not there is sufficient ground for proceeding;

Provided that no such direction for investigation shall be made-

- (a) where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session; or
  - (b) where the Complaint has not been made by a Court, unless the Complainant and the witnesses present (if any) have been examined on oath u/s 200.
- (2) In an inquiry under sub-section (1) the Magistrate may, if he thinks fit, take evidence of witnesses on oath.

Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the Complainant to produce all his witnesses and examine them on oath.

(3) If an investigation under Sub-section (1) is made by a person not being a police officer, he shall have for that investigation all the powers conferred by this Code on an officer in charge of a police station except the power of arrest without warrant.

Section 203

If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under Section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.

To summarise all, if a complaint is filed before ~~the~~ <sup>the</sup> Magistrate, on getting the result of inquiry or investigation if he is satisfied he may issue process or <sup>is not finds sufficient materials</sup> ~~dismiss~~ the complaint.