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Name of College: R.M.M Law College, Salorosa
3rd part Paper - III
Name of Subject: Code of Criminal Procedure
Name of

Topic: Chapter XV i.e. Complaints to Magistrate

This Chapter XV deals with the powers of Magistrate for taking Cognizance, and disposal of Complaints.

This Chapter includes Sec. 200, 201, 202 and 203.

This chapter lays down the procedure to deal with Complaints made by private persons.
Sec. 200 Examination of Complainant

"A Magistrate taking Cognizance of an offence on complaint shall examine on oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate."

Provided that, when the complainant is made in writing, the Magistrate need not examine the complainant and the witnesses -

- (a) is a public servant acting, or purporting to act in the discharge of his official duties or court has made the complaint; or
- (b) is the Magistrate makes over the case for inquiry or trial to another Magistrate under Sec 192.

Provided further that if the Magistrate makes over the case to another Magistrate under Sec. 192 after examining the Complainant and witnesses, the later Magistrate need not re-examine them.

The object of such examination is to ascertain whether there is a prima facie case and sufficient ground for proceeding.

This section requires that not only the Complainant but his witnesses present shall also be examined.

~~It that~~ This section requires to ~~ascertain~~ ^{ascertain} a prima facie material.

Sec. 201

Procedure by Magistrate not competent to take cognizance of the case;

If the Complainant is made to a Magistrate who is not competent to take cognizance of the offence, he shall —

(a) if the complaint is in writing, return it for presentation to the proper Court with an endorsement to that effect.

(b) if the complaint is not in writing, direct the Complainant to the proper Court.

Here it is to keep in mind that if at any stage of the case the Magistrate thinks that offence committed cannot be tried by him, he should

return the complement.