

PART D.—CANCELLATION OF CASES REPORTED BY POLICE

1. In regard to cognizable cases reported by the Police to the Magistrate having jurisdiction under sections 157 and 173 of the Code of Criminal Procedure, it frequently becomes evident either (a) that the offence committed was really non-cognizable, or (b) that the information given to the Police was false or un-founded and the Police apply for magisterial authority to show such cases as "non-cognizable" or "flase" as the case may be. The Magistrate dealing with the Police reports in such cases, that is, ordinarily, the Magistrate who is empowered to take cognizance of the offence upon Police report, in respect of the particular Police Station, under section 159 or section 173 of the Code of Criminal Procedure, as the case may be, may, for sufficient reasons, pass an order accordingly.

Magistrate power to cancel cases reported by Police.

2. Magistrates are not required to give reasons for either granting or refusing the Police application, and they should exercise their discretion freely after satisfying themselves as to the grounds on which it is made. They should not treat the matter as one of ordinary routine.

Duty of Magistrate to satisfy himself before passing order.

3. In the event of the first and final report not coming before the same officer the Magistrate dealing with the final Police report would be competent to pass the order.

Magistrate dealing with the final Police report is competent to pass order.

4. No Magistrate of the 2nd or 3rd class is competent to make such an order, but any Magistrate of the 1st class may do so. Such an order should only be made at the time of dealing with the Police reports. No applications from the Police for a direction of this character should be entertained if made otherwise than in the final report submitted under section 173 of the Code of Criminal Procedure. But any Magistrate of the 1st, 2nd or 3rd class, may, of his own motion, in the course of trying any case reported by the Police as cognizable pass such an order at any stage of the proceedings, before or at the time of delivering judgment, intimation of the order being given to the Police.

Order of cancellation. When to be passed and by whom.