BLOGS

Complaint to Magistrate under CrPC

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Edit Complaint to Magistrate under CrPC Section 200 of CrPC Section 201 of CrPC Section 202 of CrPC Section 203 of CrPC Objective of Section 203 of CrPC Analysis of Section 203 of CrPC Landmark Judgements under Section 203 of CrPC Conclusion

Complaint to Magistrate under CrPC

The term “complaint” refers to any assertion made before a magistrate, either orally or in writing, according to the code of criminal procedure. It is done without a police report but with the intention of initiating action under this Code against some person, known or unknown, who has committed an offence.

Section 200 of CrPC

Section 200 of the Code of Criminal Procedure (CrPC) deals with the examination of the complainant and other witnesses in a criminal case. It lays down the procedure that a Magistrate needs to follow when receiving a complaint of an offense directly from a private individual (the complainant) and not through the police.

After the complaint is filed, the Magistrate shall examine the complainant and any witnesses present. The purpose of this examination is to ascertain whether there is sufficient ground for proceeding with the complaint.

Section 201 of CrPC

If there is no sufficient ground to proceed with the complaint, Section 201 comes into apply. **Section 201 of CrPC** deals with the procedure that a Magistrate needs to follow when a complaint is made directly to them, and they find that there is no sufficient ground to proceed with the complaint immediately.

In such cases, the Magistrate can postpone the issuance of process (summons or warrant) against the accused and direct an investigation to be conducted by the police. This section is mainly concerned with cases where the Magistrate chooses not to take immediate action on the complaint and decides to investigate the matter further before summoning or arresting the accused.

Section 202 of CrPC

Section 202 empowers the Magistrate to postpone the issuance of process (summons or warrant) against the accused when a complaint is made directly to the him. Instead of immediately summoning or arresting the accused, the Magistrate can order a preliminary inquiry or investigation by a police officer or any other person authorized by the Magistrate.

The purpose of this inquiry is to determine whether there is sufficient ground to proceed with the case and whether it is necessary to summon or arrest the accused.

Section 203 of CrPC

Per Section 203 of the CrPC, if the Judicial Magistrate determines that there is not enough evidence to move forward in the case after taking into account the statements of the complainant and its witnesses under Section 200 and the findings of the investigation under Section 202, he shall dismiss the complaint with brief recorded reasons. Only in rare circumstances could a second complaint based on the identical facts be taken into consideration.

Section 203 of the CrPC grants Magistrates the authority to dismiss criminal cases in their early stages if there is insufficient ground to proceed further. This power of dismissal serves as a safeguard against malicious or baseless complaints, protecting innocent individuals from unwarranted legal consequences.

The Magistrate employs a prima facie test to determine if the complaint contains enough evidence to suggest that the accused may have committed the offence, without delving into the case’s merits. By enabling this proactive role, Section 203 ensures a fair and efficient criminal justice system, with the court’s time and resources focused on genuine cases seeking justice and upholding the rule of law.

Objective of Section 203 of CrPC

Section 203 grants the power to dismiss complaints, and the Magistrate must record concise reasons for doing so to ensure proper application of mind and avoid arbitrary dismissals. This duty of considering relevant evidence and providing reasons acts as a safeguard against indiscriminate dismissal.

In cases where multiple offences are charged against accused persons, the Magistrate's order may dismiss some charges while proceeding with others. In such instances, the Magistrate must explain why certain charges lack sufficient grounds for further proceedings. Section 203's provisions play a crucial role in ensuring transparency and fairness in the dismissal process.

Analysis of Section 203 of CrPC

Section 203 of the CrPC empowers the Magistrate to assess the sufficiency of grounds for proceeding with a case based on the complainant's statements and witnesses, considering the result of the investigation or inquiry under Section 202.

The Magistrate must apply his mind to determine if there is direct evidence supporting the charges against the accused. At this stage, the case is entirely triable by the Court of Session. The Magistrate's decision should not be influenced by the complainant's motive but solely on the presented facts.

The dismissal order can be reviewed by higher courts, emphasising the importance of providing reasons for dismissal. The accused can challenge the process issuance if he can show no case against him.

When a written complaint is filed before the court, the Magistrate registers it and records the complainant's statement under Section 200 of the CrPC on the same day. The case is then scheduled for recording the evidence of witnesses under Section 202 of the CrPC on another day.

After examining the evidence, if the Magistrate finds sufficient grounds to proceed, he issues the process against the accused under Section 204 of the CrPC. However, if no prima facie offence is established and there is insufficient ground for proceeding, the Magistrate dismisses the complaint under Section 203 of the CrPC.

The significance of Section 203 of the CrPC lies in its power to enable Magistrates to determine the merits of a complaint and decide whether there are sufficient grounds to proceed with the case.

This section acts as a crucial safeguard against frivolous or baseless complaints, protecting innocent individuals from unwarranted legal consequences. By requiring Magistrates to apply their minds to the evidence presented during the complaint and subsequent inquiry, Section 203 ensures fair and just proceedings, preventing arbitrary dismissals and ensuring that only genuine cases proceed further in the criminal justice system.

The provision helps in streamlining the judicial process, conserving time and resources, and upholding the integrity of the legal system by focusing on valid cases deserving of trial and redressal.

Landmark Judgements under Section 203 of CrPC

In **Chandra Deo Singh vs Prokash Chandra Bose**, the Hon'ble Supreme Court overturned the Magistrate's decision to dismiss a complaint in the case in question on the grounds that the Magistrate must be satisfied that there is sufficient justification for the continuation of the proceeding, not just that there is sufficient justification for conviction in the complaint that was submitted to the court.

In the case of **Manharibhai Muljibhai Kakadia & Anr vs. Shaileshbhai Mohanbhai Patel & Ors. (2012)**, the Supreme Court ruled that when a complaint is dismissed by a Magistrate under Section 203 of the CrPC, the accused or suspected persons have the legal right to be heard in a revision petition filed by the complainant before the High Court or Sessions Judge.

If the revisional court overrules the Magistrate's order and restores the complaint for fresh consideration, the accused have no right to participate in the proceedings until the Magistrate's decision on the issuing process.

The Supreme Court overruled judgments of High Courts that held otherwise, confirming that the accused's right to be heard in such revision petitions is not applicable until the Magistrate's consideration for the issuing process.

Conclusion

Section 203 of the CrPC holds significant importance in the process of filing a complaint before a Magistrate. This section grants the Magistrate the power to examine the complaint and the evidence presented by the complainant and witnesses under Sections 200 and 202.

The Magistrate’s crucial duty is to apply his mind to determine whether there are sufficient grounds to proceed with the case. If the Magistrate finds that a prima facie offence is made out and there is enough evidence supporting the allegations, he issues the process against the accused under Section 204.

On the other hand, if the Magistrate is not satisfied with the evidence and finds no prima facie offence, he dismisses the complaint under Section 203. This careful evaluation ensures fairness, transparency, and protection against arbitrary dismissals, upholding the integrity of the criminal justice system.