

1896.

June 3.

BONSER, C.J.

CHIVAKANNIPILLAI v. CHUPPRAMANIAN.

P. C., Point Pedro, 2,210.

*Crown costs—Maintenance—Ordinance No. 19 of 1889, s. 3.*

An applicant for an order of maintenance under section 3 of Ordinance No. 19 of 1889 cannot be condemned in Crown costs under chapter XIX. of the Criminal Procedure Code.

**T**HE facts of the case sufficiently appear in the judgment.

*Wendt*, for appellant.

*Tirunavukarasu*, for respondent.

3rd June, 1896. BONSER, C.J.—

This is an appeal from part of an order made by Mr. Casie Chitty, Acting Police Magistrate of Point Pedro, who, in dismissing an application for maintenance made under Ordinance 19 of 1889, appended to it a direction that the appellant was to pay, by way of Crown costs, a sum of Rs. 5. It is obvious that this order was made in mistake. The power given to a Magistrate by section 236 of the Criminal Procedure Code, of making such an order, is to be exercised only in a case where there has been a complaint, which is a technical term meaning a statement that a person has committed an offence. It is needless to say that an application under the Maintenance Ordinance is not a complaint. Again, Crown costs can only be given in a case triable under chapter XIX. of the Criminal Procedure Code. Cases under the Maintenance Ordinance are not triable under that chapter. Certain chapters of the Criminal Procedure Code are expressly incorporated in the Maintenance Ordinance, but chapter XIX. is not.

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