

order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) When an order for payment of compensation to an accused person is made, in case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and, where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order.

¹[(5) x x x x x x]

Islamabad Amendment:

In sub-section (2), for the words "twenty five thousand" the words "one hundred thousand" shall be substituted by Act XSVII of 2017, dated 27.5.2017.

COMMENTARY

False and frivolous accusation. Supreme Court directed complainant to pay Rs. 25,000 as compensation to respondents for launching frivolous and vexatious prosecution and for wasting time of the Court. [2006 SCMR 1834]. Sufficient safeguard is provided under Section 250, Cr.P.C. to accused against a false and frivolous accusation by complainant. [PLD 2007 SC 9].

Scope. Provisions of Section 250 would come into play where an accused person has been formally acquitted by a Magistrate and not in a case where FIR has been prayed to be cancelled. [2003 YLR 245].

²[250-A. **Special summons in case of petty offences.**--(1) Any Magistrate of the first class specially empowered in this behalf by the Provincial Government taking cognizance of any offence punishable only with fine shall, except for reasons to be recorded in writing, issue summons to the accused requiring him either to appear before him on a specified date in person or by an Advocate or, if he desires to plead guilty to the charge, without appearing before the Magistrate; to transmit to the Magistrate before the specified date, by registered post or through a messenger, the said plea in writing and the amount of fine specified in the summons or, if he desires to appear by an advocate and to plead guilty to the charge, to authorize, in writing, such advocate to plead guilty to the charge, on his behalf and to pay the fine:

Provided that the amount of the fine specified in such summons shall not be less than twenty-five per cent nor more than fifty per cent of the maximum fine provided for such offence.

(2) Sub-section (1) shall not apply to an offence punishable under the Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), or under, any other law which provides for the accused person being convicted in his absence on a plea of guilty.]

CHAPTER XXI

OF THE TRIAL OF WARRANT CASES BY MAGISTRATES

251-259. [Omitted by Law Reforms Ordinance, 1972, Item 99].