

If no evidence available the accused to be acquitted. [1992 PCr.LJ 2054]. Premature acquittal when the trial is at its last legs-Not desired. [1999 MLD 1645]. Sanctity attached to an order of acquittal cannot be attached to an order passed under this Section. Police opinion or the material contained in police file cannot be equated with evidence. [1999 PCr.LJ 864].

15. **Superdari.** Superdari of stolen property was handed over to acquitted accused u/S. 249-A, Cr.P.C. Respondent/accused had never claimed the case property throughout the proceedings, even in his application u/S. 249-A, Cr.P.C. [PLJ 2010 Cr.C. (Lah.) 477]. Once the accused/ respondents are acquitted by the competent trial Court, the presumption of double innocence is available to the accused. [PLJ 2010 Cr.C. (Lah.) 718].

Frivolous Accusations in ¹[Cases tried by Magistrates]

250. False frivolous or vexatious accusation.—(1) If in any case instituted upon complaint or upon information given to a police-officer or to a Magistrate, one or more persons is or are accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate, by whom the case is heard ²[...] acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show-cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or if such person is not present direct the issue of a summons to appear and show-cause as aforesaid.

(2) The Magistrate shall record and consider any cause which such complainant or informant may show and if he is satisfied that the accusation was false and either frivolous or vexatious may, for reasons to be recorded, direct that compensation to such amount not exceeding ³[twenty-five thousand rupees] or if the Magistrate is a Magistrate of the third class not exceeding ⁴[two thousand and five hundred] rupees, as he may determine, be paid by such complainant or informant to the accused or to each or any of them.

⁵[(2-A) The compensation payable under sub-section (2) shall be recoverable as an arrear of land revenue.]

(2-B) When any person is imprisoned under sub-section (2-A), the provisions of Sections 68 and 69 of the Pakistan Penal Code shall, so far as may be, apply.

(2-C) No person who has been directed to pay compensation under this section shall by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:

Provided that any amount paid to an accused person under this section shall be taken into account, in awarding compensation to such person in any subsequent civil suit relating to the same matter.]

(3) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the Second or Third Class to pay compensation or has been so ordered by any other Magistrate to pay compensation exceeding fifty rupees may appeal from the

1. Subs. by Law Reforms Ordinance, 1972, Item 97.
 2. Words "discharges or" and "discharge or" respectively omitted by Law Reforms Ordinance, 1972.
 3. Subs. by Cr.P.C. (Amendment) Ordinance, VI of 1980, Section 2.
 4. Subs. by Cr.P.C. (Amendment) Ordinance, VI of 1980, Section 2.
 5. Subs. by Cr.P.C. (Amendment) Ordinance, VI of 1980, Section 2.