

The State Vs. Kesari Mal

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Court : Madhya Pradesh

Decided On : Mar-06-1952

Reported in : 1953CriLJ441

Judge : Dixit, J.

Appellant : The State

Respondent : Kesari Mal

Judgement :

ORDER

Dixit, J.

1. This is a reference by the learned Sessions Judge of Gwalior recommending that an order passed by the Sub-Divisional Magistrate Antari granting anticipatory bail to Kesarimal who apprehends arrest for an offence under the Essential Supplies (Temporary Powers) Act, 1946, be set aside.

2. This reference must be rejected on the short ground that, if the learned Sessions Judge thinks that the order of bail passed by the Sub-Divisional Magistrate was illegal or improper, the Sessions Judge himself has the power under Section 497(5) of the Criminal P.C. to cancel the bail. The provisions in the Essential Supplies Temporary Powers Act with regard to bail do not any way affect the discretion vested in the Sessions Judge under Section 497(5) in the matter of

cancellation of bail. That being so, it seems to me that it was wholly unnecessary for the Sessions Judge to make this reference to this Court for passing an order with regard to the cancellation of bail. The Sessions Judge is at liberty to cancel the bail, if he is so inclined.

3. The reference is accordingly rejected.

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