

Devilal Vs. Ganpat

Devilal Vs. Ganpat

SooperKanoon Citation : sooperkanoon.com/753711

Court : Rajasthan

Decided On : Oct-31-1950

Reported in : AIR1951Raj94

Judge : Sharma, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1898](#) - Sections 439 and 498

Appeal No. : Cr. Rev. J. No. 37 of 1950

Appellant : Devilal

Respondent : Ganpat

Advocate for Def. : D.M. Bhandari, Adv.

Advocate for Pet/Ap. : Bansilal Loharia, Adv.

Disposition : Revision dismissed

Judgement :

ORDER

Sharma, J.

1. This is an appln. by one Davilal for revision of the order of the learned Ses. J. of Sawai Jaipur, granting bail to the opposite party, Gangasingh, in a case under Section 302, I.P.C.

2. I have heard the learned counsel for the appct. & also the learned counsel for the opposite party. It has been argued on behalf of the appct. that the case having been challaned under Section 302, I.P.C., the learned Ses. J. was legally wrong in admitting the opposite party to bail. On behalf of the opposity party it has been argued that in the first instance revision does not lie in a case like the present by a private party. It was also argued that this Ct. has no power to cancel the order of the bail granted by the Ses. J. Further, it was argued that in any case the Ses. J. had very wide powers of bail under Section 498, Cr. P. C. & the learned Ses. J. having exercised his discretion under the said section, this Ct. would not be justified in cancelling the bail.

3. I have considered the arguments of the learned counsel for both the parties. I do not want to go into the question whether this Ct. has no power at all to cancel a bail granted by the Sessions Ct. under Section 498, Cr. P. C. Suffice it to say that in the present case the learned Ses. J. after having applied his mind has granted bail to the opposite party. Under Section 498, Cr. P. C. the powers of the Ses. J. & H.C. are unfettered in the matter of bail it cannot be said that in the present case the discretion was capriciously or arbitrarily exercised. Moreover, in a cognizable case challaned by the police, it is the function of the State to question the order of bail, if it is considered that the said order was unjustified. In the present case, the State has not thought it fit to come in revision against the order of the Ses. J. It may be that in exceptional cases a revision by a private party might also be entertained but I do no find any such grounds in the present case. The appl. is dismissed.