
(2002) 05 AHC CK 0001
In the Allahabad High Court
Case No : Criminal Revision No. 197 of 2002

Anil Kumar and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-05-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439, 482

Citation : (2002) 3 ACR 2161

Hon'ble Judges : S.K. Agarwal, J

Bench : Single Bench

Advocate : Y.K. Mishra, for the Appellant; G.A., for the Respondent

Final Decision : Dismissed

Judgement

S.K. Agarwal, J.—Heard the learned Counsel for the revisionists and the learned A.G.A.

2. The present revision has been preferred against the order of cancellation of bail. Against the said order, remedy lies under the bail provisions. It is still open for him to apply for bail. The ground for cancellation of bail can also be challenged under the bail provisions. Revisions are maintainable only against the final orders but an order cancelling bail does not fall within the category of final order. No proceedings are conclusively decided by such orders. Even despite this order, an accused has his remedy open by invoking this Court's power of bail and can be successful in thwarting the cancellation order. Cancellation order may equally be open to scrutiny in this manner. Powers conferred u/s 439, Criminal Procedure Code does allow such a scrutiny by a superior court in a bail proceeding. These orders, thus, cannot be treated or termed final orders. No revision or any application u/s 482 of the Code of Criminal Procedure, 1973, hence lies. The remedy in such cases is an application u/s 439, Criminal Procedure Code to seek regular bail. Use of revisional powers or powers u/s 482, Criminal Procedure Code will tantamount to gross abuse of such powers. It cannot be allowed to be so used to get smoothly over the ill-effect of such

cancellation orders.

3. This revision is, accordingly, rejected.