

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Crl.R.C.No.966 of 2017

Bonita C.Joseph

...Petitioner

Vs.

1.State represented by
Inspector of Police,
G-5, Secretariat Police Station,
Chennai - 600 040.

...1st Respondent

2.Dheeraj chawla

...2nd Respondent

Prayer:- Revision filed under Sections 397 and 401 Cr.P.C., to call for the records, culminating in the impugned order dated 01.06.2017 passed by the learned XIV Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.2774 of 2016 in Crime No.211 of 2016 on the file of G-5, Secretariat Colony Police Station, Chennai, examine the correctness, legality and propriety of the findings made therein, set aside the same and cancel the bail granted to the accused Dheeraj Chawla by the learned XIV Metropolitan Magistrate in Crl.M.P.No.704 of 2016.

For Petitioner : M/s.Arulselvam Associates

For Respondents: Mr.R.Sekar

Government Advocate (Crl. Side) for R1

O R D E R

This revision case has been filed against the order passed by the learned XIV Metropolitan Magistrate, Allikulam, Egmore, Chennai, in Crl.M.P.No.2774 of 2016 in Crime No.211 of 2016 on the file of G-5, Secretariat Colony Police Station, Chennai.

2.This revision case has been filed against the aforesaid order, whereby bail granted against the 2nd respondent was sought to be cancelled. However, the learned trial Judge, after having gone through the petition, has dismissed the same on the ground

that cancellation of bail cannot be granted. Moreover, the same can be considered only by the High Courts under Section 439 of the Code of Criminal Procedure.

3.I have heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the 1st respondent State.

4.Admittedly, the impugned order was passed in the petition filed to cancel the bail granted to the 2nd respondent. Since granting of bail or cancellation of bail are orders of interlocutory in nature, there is a prohibition under Section 397 (2) of CrPC, which restrain the Revisional Courts from exercising powers under the provision 397 of the Code in relation to any interlocutory order passed in any appeal or enquiry or trial or other proceedings.

5.Since the impugned order is admittedly interlocutory in nature and against which, no revision can be preferred before this Court invoking Section 397 of CrPC, this Court cannot entertain this revision. Hence, the same is liable to be dismissed and accordingly, dismissed.

However, it is open to the petitioner to approach the appropriate Court of Law against the impugned order, if he is advised to do so, in the manner known to law.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mps

To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai

2.The Inspector of Police,
G-5, Secretariat Police Station,
Chennai - 600 040.

+2CCs to M/s.Arulselvam Associates, Advocate Sr.66531(12/12/2017)

Cr1.R.C.No.966 of 2017

NM(CO)

KP(14.11.2017)