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SLP(Crl.)No. 3994 OF 2000

ITEM No.14

Court No.10

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3994/2000

(from the judgment and order dated 28.9.2000 in Crl.Misc.3065/00 of
the High Court of Judicature at Patna, Ranchi Bench)

PRITPAL SINGH

Petitioner (s)

VERSUS

STATE OF BIHAR & ANR.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 27/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. Jaspal Singh, Sr. Adv.
Ms. Jaspreet Gogia, Adv.
Mr. Vipin Gogia, Adv.
Mr. T.S. Arora, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Heard learned counsel for the petitioner. None
appears for the respondents despite service of notice.
Leave granted.
The appeal is allowed.

(Meena Sarin)
AR Cum PS

(S. Malkani)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 592 OF 2001@@
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(Arising out of SLP(Crl.) No. 3994/2000)

Shri Pritpal Singh

.... Appellant (s)

versus

The State of Bihar and Anr.

.... Respondent(s)

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Heard learned counsel for the petitioner. None appears for the respondents despite service of notice. Leave granted.

The accused in the complaint case No.C-373/98 pending in the Court of Chief Judicial Magistrate, Daltonganj, Bihar, has filed this petition assailing the order passed by the Patna High Court on 28th September, 2000 in CrI. Misc.No.3065/2000. In that case the appellant had challenged the order of the Magistrate cancelling the bail granted to him.

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The dispute raised in the case relates to eviction of the appellant who is the tenant from the premises of which the respondent is the owner. Previously, there was a compromise between the parties in which it was agreed inter alia that the appellant will pay certain amount to the respondent and vacate the premises by the time stipulated. On the allegation that the appellant has failed to comply with the terms of the compromise by not vacating the premises in question within the time stipulated, the petition for cancellation of bail was filed. It is stated by learned counsel for the appellant that neither any averment was made in the petition about mis-use of liberty granted to the appellant nor any difficulty was alleged to have been faced by the prosecution in the case on the ground of the appellant being at large.

The Magistrate cancelled the bail granted to the appellant solely on the ground that the terms of the compromise had not been complied with. To say the least, the ground on which the petition for cancellation of bail was made and was granted is wholly untenable. It is our view that the order if allowed to stand will result in abuse of the process of court. The High Court clearly erred in maintaining the order. Therefore, the order

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passed by the the Magistrate cancelling the bail and the order of the High Court confirming the said order are set aside. The bail order is restored. The appeal is allowed.

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.....J.
(D.P. MOHAPATRA)

.....J.
(SHIVARAJ V PATIL)

New Delhi,
April 27, 2001