

**CourtNo.-44**

**Case :-** APPLICATION U/S 482 No. - 31714 of 2013

**Applicant :-** Smt. Rajeshwari

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Umesh Kumar Dubey

**Counsel for Opposite Party :-** Govt. Advocate

**Hon'bleHetSinghYadav,J.**

The applicant has moved this application under section 482 of the Code of Criminal Procedure 1973, (in short the Code) invoking inherent jurisdiction of this Court with a prayer that the bail application proposed to be moved by the applicant in the court below in Case Crime No. 350 of 2012 under Sections 147, 452, 323, 504, 506 I.P.C., Police Station-Rasulabad, District-Kanpur Dehat be ordered to be considered expeditiously, if possible on the same day.

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

It is the contention of the learned counsel for the applicant that the applicant is innocent and has been falsely implicated. Except general allegation, she has not been assigned any role in the alleged occurrence. At this stage, there is no prima facie evidence against her. The applicant is ready to surrender in the court concerned and to move her bail application. The learned counsel strenuously urged that the courts below may be directed to consider and dispose of her bail application same day. To bolster his submissions learned counsel placed reliance on the law laid down in the case of **Amrawati and another Vs. State of U.P. 2004 (57) ALR 290** and approved by Hon'ble Supreme Court in **Lal Kamendra Pratap Singh Vs. State of U.P. 2009 (3) ADJ 322 (SC)**.

Learned A.G.A., repudiates the submissions made as above and contended that the prayer made for deciding the bail application on the same day would be an interference in the discretion of the court below.

Needless to say that the law laid down by the Hon'ble Supreme Court is law of land and is binding on all courts, therefore, seeking direction from this Court for expeditious/same day disposal of bail application likely to be moved by the applicant in the court below under inherent jurisdiction of this Court would be a futile exercise. The courts below are bound to follow the law laid down as above by this Court in Amrawati's Case (Supra) and the ratio has been approved by Hon'ble Supreme Court in Lal Kamendra Pratap Singh's Case (Supra) in letter and spirit.

The application under Section 482 Cr.P.C. is finally disposed of with the above observations.

**Order Date :-** 17.9.2013

Jaswant