

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3158 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the notice issued on 30.11.2015 in M.C.No.217 of 2015 by the Mandal Executive Magistrate, Konijerla, Khammam District.

2. It is the case of the prosecution that the petitioner entered into a bond of security for good behavior before the Tahsildar and Mandal Executive Magistrate on 17.11.2015 vide M.C.No.217 of 2015 for a sum of Rs.1,00,000/-. Subsequently, it was reported that on 26.11.2015, the petitioner was found in possession of illicit liquor and then, a case was registered against him and in that connection, the petitioner was arrested and produced before the Judicial First Class Magistrate for Prohibition and Excise Cases at Khammam and remanded to judicial custody. Basing on the said report, the Tahsildar came to the conclusion that the petitioner violated the bond, and issued notice of forfeiture on 30.11.2015 directing the petitioner to pay Rs.1,00,000/- as agreed upon by him, within seven days or show a cause. Aggrieved by the said order, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the learned Magistrate has not conducted an inquiry as per Section 116 Cr.P.C., in the instant case, and that the provisions of Section 122(1)(b) Cr.P.C. can be invoked to arrest any person, who breached his bond executed under Section 117 Cr.P.C. and that the petitioner has not executed any bond under Section 117 Cr.P.C. and he executed the bond only under Section 110 Cr.P.C.

5. Considering the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The notice under revision is set aside and the respondent-authorities concerned are directed to conduct an inquiry afresh, after giving an opportunity to the petitioner to put forth his case. If it is found in the inquiry that the petitioner committed any offence subsequent to the execution of the bond alleged to have been executed by him, it is left open to the respondent-authorities concerned to pass appropriate orders. The petitioner is also directed to make his submissions before the authorities concerned.”

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 17th December, 2015

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