

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3092 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 23.11.2015 passed in Crime No.D/1437/2015 passed by Tahsildar and Mandal Executive Magistrate, Konijerla Mandal, Khammam District.

2. It is the case of the respondents that the petitioner entered into a bond for good behavior before the Tahsildar and Mandal Executive Magistrate on 14.9.2015 vide Cr.No.25 of 2015 dated 14.9.2015 for a sum of Rs.1,00,000/-. Subsequently, it was reported that on 17.11.2015, the petitioner was found in possession of illicit liquor and then, a case was registered against her 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 passed the order under revision directing the petitioner to pay Rs.1,00,000/- as agreed upon by her, within one week from the date of service of the order. It is also observed that in case of non-compliance of the order, the petitioner is liable to be committed to prison. 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 petitioner never executed any bond for a sum of Rs.1,00,000/- for good behavior before the learned Magistrate and no proceedings were initiated under Section 110 Cr.P.C. and no order was passed under Section 111 Cr.P.C., and no summons or warrants were issued requiring the

petitioner to appear as contemplated under Section 113 Cr.P.C. and no enquiry was conducted as to the truth or otherwise of the information received as contemplated under Section 116 Cr.P.C., and no final order was passed.

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

“The order under revision is set aside and the respondents are directed to conduct an enquiry afresh. If it is found in the enquiry that the petitioner committed any offence subsequent to the execution of the bond alleged to have been executed by her, the authorities concerned are at liberty to pass appropriate orders. If the authorities intend to pass any order directing the petitioner to deposit Rs.1,00,000/- or to send to the judicial custody, the said order shall be suspended for a period of 15 days, so as to enable the petitioner to approach the appellate authority concerned.”

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

JUSTICE RAJA ELANGO

Dated: 10th December, 2015

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