

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3318 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner aggrieved by the notice, dated 14.12.2015, for forfeiture of bond for good behaviour in MC No.226/2015 dated 16.11.2015, issued by the Mandal Executive Magistrate, Konijerla, Khammam District.

It is the case of the prosecution that the petitioner executed a bond for good behavior for a period of six (6) months before the Mandal Executive Magistrate on 16.11.2015 for a sum of Rs.1,00,000/- , invoking provisions under Section 110 Cr.P.C., vide proceedings in MC No.226/2015, dated 16.11.2015 in a case in COR No.517/2015-16, dated 16.11.2015. Subsequently, the petitioner was involved in similar crime COR No.624/2015-16, dated 05.12.2015, during the pendency of the bond. Therefore, the Executive Magistrate, Konijerla, has issued notice, dated 16.11.2015, requiring the petitioner to pay Rs.1,00,000/- as agreed upon by him or show cause as to why he should not be adjudged for imprisonment until such bond period expires, within seven days from the date of service of the notice. Hence, the present revision is filed.

Heard and perused the material available on record.

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. He further submitted that the petitioner has already submitted reply, dated 18.12.2015, as per the directions issued in the notice, dated 14.12.2015.

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 authority concerned is 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. Till then, the respondent – police are directed not to arrest the petitioner. “

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

RAJA ELANGO, J

December 30, 2015.

KTL