

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3315 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner aggrieved by the notice in MC No.79/2015 dated 16.11.2015 issued by the Tahsildar and Mandal Executive Magistrate, Hasanprthy Mandal, Warangal District.

It is the case of the prosecution that the petitioner was originally granted bail in a crime and subsequently, he was directed to execute a bond for good behavior for a period of six (6) months before the Tahsildar and Mandal Executive Magistrate on 09.09.2015 for a sum of Rs.1,00,000/-, invoking provisions under Section 110 Cr.P.C. Since the petitioner was involved in Crime No.777 of 2015-16, dated 24.10.2015, during the pendency of the bond, the Executive Magistrate and the Tahsildar, Hasanparthy 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. On his failure, the petitioner was remanded to judicial custody for a period of six months. Hence, the present revision is filed seeking to release the petitioner on bail.

Heard and perused the material available on record.

Learned Counsel for the petitioner submitted that without giving any opportunity to the petitioner and without conducting any enquiry as to the truth or otherwise of the information received with regard to the other crime, as contemplated under Section 116 Cr.P.C., the learned Magistrate has remanded the petitioner to judicial custody and hence, the petitioner may be granted bail.

Whenever a bond was executed by the accused, invoking the

provisions under Section 110 Cr.P.C., and if the authorities concerned want to detain the person for violation of the conditions of that bond, they should conduct an enquiry regarding the subsequent offence and then pass orders. In the present case, no such enquiry is conducted. Hence, the Criminal Revision Case is disposed of with the following direction:

“The order, detaining the petitioner in prison, is hereby set aside and the Jail authorities concerned are directed to release the petitioner forthwith, if he is not required in any other offence. It is also made clear that the authorities concerned are at liberty to take appropriate action after conducting proper enquiry regarding the subsequent offence committed by the petitioner.”

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

RAJA ELANGO, J

December 30, 2015.

KTL