

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2675 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner-accused against the complaint dated 28.09.2015 filed under Section 110 Cr.P.C on the file of the Executive Magistrate, Deputy Collector & Tahsildar, Rajendranagar, Ranga Reddy District, as well as the consequential notice for forfeiture of bond for good behaviour and payment of penalty of Rs.1,00,000/- vide No.C/746/2014 dated 28.10.2015 in Case No.822/2015-16, dated 30.09.2015.

The Prohibition and Excise Inspector, Rajendra Nagar, lodged a complaint before the Executive Magistrate, Deputy Collector & Tahsildar, Rajendranagar, Ranga Reddy District, alleging that the petitioner was selling illicitly distilled liquor after imposition of prohibition and therefore prayed to bind over him for a period of one year for good behaviour. As per the orders, the petitioner executed a bond for good behaviour before the II Class Executive Magistrate, Deputy Collector and Tahsildar, Rajendra Nagar, for a period of one year, in default, to forfeit a sum of Rs.1,00,000/-. Since the petitioner committed breach of bond by committing another crime, the Executive Magistrate, Rajendra Nagar, issued the notice dated 28.10.2015 for forfeiture of bond for good behaviour and directing him to pay Rs.1,00,000/- within seven days from the date of receipt of the notice.

Learned counsel for the petitioner contends that if at all the petitioner commits breach of bond, an enquiry has to be conducted by giving reasonable opportunity to him and that the order under revision has been passed without giving any opportunity to the petitioner, and therefore, the same is not sustainable.

Having heard the learned counsel for the petitioner and the learned Public Prosecutor, and perusing the record, this Court is of the view that this Criminal Revision Case can be disposed of by the following order:

The authority concerned is directed to conduct an enquiry to substantiate the fact that the petitioner has violated the conditions of the bond. After conducting such enquiry, the authority concerned shall pass appropriate orders in accordance with law.

The Criminal Revision Case is accordingly disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 04.11.2015

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