

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3320 of 2015

ORDER:

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The petitioner filed the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 11.12.2015 passed in M.C.No.1617 of 2015 by the Tahasildar & Mandal Executive Magistrate at Gollapally.

Heard and perused the material available on record.

By invoking the provision under Section 122(b) Cr.P.C., the respondent-authority passed the impugned order whereby, the petitioner was directed to be retained in jail for 154 days i.e. from 11.12.2015 to 12.05.2016 (excluding the time already elapsed since the agreement of bond) for his default in payment of Rs.1,00,000/- as he violated the bond executed by him as envisaged under Section 110 Cr.P.C. for good behaviour for a period of six months.

Admittedly, the petitioner is a coolie and belongs to Scheduled Caste community. This Court is of the view that the direction by the respondent authority to the petitioner to execute a bond for a sum of Rs.1,00,000/- itself is onerous in nature and for default of payment of said huge amount, he was directed to be kept in prison for about five months.

Considering the circumstances of the case, since the petitioner is in prison since 11.12.2015, the said period is directed to be considered as sentence of imprisonment in connection with the impugned order passed by the authority concerned. The petitioner shall be released forthwith, if not, required in any other crime.

With the above direction, the Criminal Revision Case is

disposed of. Consequently, miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

December 30, 2015

KTL