

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1282 OF 2016

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order, in M.C. No.87/2016, dated 05.02.2016, issued by the Executive Magistrate and Tahsildar, Sangam.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the authorities concerned erroneously issued notice of forfeiture of bond for good behaviour requiring the petitioner to pay penalty of Rs.1,00,000/- or to show cause why the petitioner should not be adjudged for imprisonment till such bond period expires.

Learned counsel for the petitioner submits that even though show cause notice is issued without any enquiry, the authorities concerned directed the petitioner to be remanded to judicial custody and in pursuance of the notice, the petitioner is arrested and he is now in prison.

The Executive Magistrate and Tahsildar, Sangam, has not followed the procedure in issuing notice to the petitioner and as such, the notice is liable to be set aside and is accordingly set aside. The Executive Magistrate and Tahsildar, Sangam, is directed to follow the procedure and pass appropriate orders in accordance with law, if he desires.

In the result, the order dated 5.2.2016 in M.C.No.87 of 2016 passed by the Executive Magistrate & Tahsildar, Sangam is hereby set aside and the petitioner shall be released forthwith if not required in any other crime.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

02.06.2016
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