

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.20 OF 2016

ORDER:

The petitioners have 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 notice, dated 26.11.2015, passed in M.C.No.F/8030/2015 by the Court of the Executive Magistrate at Hanamkonda, whereby the learned Executive Magistrate issued notice requiring the petitioners to pay a sum of Rs.1,00,000/- pursuant to the bond within a period of one week from the date of receipt of the said order.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioners were remanded to judicial custody without therebeing any order. He further submits that even though the petitioners executed a bond of security for good behaviour for a period of six months, the Executive Magistrate forfeited the bond and sent the petitioners to judicial custody alleging that the petitioners committed the breach of bond for committing the offence under Section 7(A) read with Section 8(e) of the Prohibition Act. He further submits that the petitioners have not committed any offence and as such, the petitioners shall be released from the prison forthwith.

This Court is of the view that without therebeing any enquiry and as a routine, the petitioners cannot be subjected to imprisonment. Hence, the order of the authorities remanding the petitioners herein to the prison is hereby set aside and the authorities concerned are directed to release the petitioners herein forthwith. The respondent/authority concerned is at liberty to pass appropriate orders after conducting enquiry and the authority concerned is directed to issue notice to the petitioners herein regarding the date on which the enquiry is likely to be conducted.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

05.01.2016

Pln

Note: Issue order copy by today.
(By order)
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