

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.129 of 2016

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 30.11.2015 passed in M.C.No.106 of 2015 by the Executive Magistrate & Tahsildar, Narasampet, Warangal District.

Heard and perused the material available on record.

It is the case of the respondent authority that the petitioner entered into a bond for good behavior for a period of six months, before the Tahsildar and Mandal Executive Magistrate on 19.9.2015 for a sum of Rs.1,00,000/-. Subsequently, it was reported that on 16.11.2015, the petitioner was found in possession of illicit liquor and then, a case was registered against her and in that connection, the petitioner was arrested and produced before the Judicial First Class Muinsiff Magistrate, Narasampet, and remanded to judicial custody. Basing on the said report, the Tahsildar came to the conclusion that the petitioner violated the bond, and passed the order under revision directing the petitioner to pay Rs.1,00,000/- as agreed upon by her, within one week from the date of service of the order. It is also observed that in case of non-compliance of the order, the petitioner is liable to be committed to prison. Aggrieved by the said order, the petitioner filed this revision.

Heard and perused the material available on record.

Learned Counsel for the petitioner submitted that the petitioner never executed any bond for a sum of Rs.1,00,000/- for good behavior before the Tahsildar and no proceedings were initiated under Section 110 Cr.P.C. and no order was passed under Section 111 Cr.P.C., and

no summons or warrants were issued requiring the petitioner to appear as contemplated under Section 113 Cr.P.C. and no enquiry was conducted as to the truth or otherwise of the information received as contemplated under Section 116 Cr.P.C., and no final order was passed.

Considering the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The order under revision is set aside and the respondents are directed to conduct an enquiry afresh. If it is found in the enquiry that the petitioner committed any offence subsequent to the execution of the bond, alleged to have been executed by her, the authorities concerned are at liberty to pass appropriate orders. If the authorities intend to pass any order directing the petitioner to deposit Rs.1,00,000/- or to send her to the judicial custody, the said order shall be suspended for a period of 15 days, so as to enable the petitioner to approach the appellate authority concerned.”

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

RAJA ELANGO, J

January 19, 2015

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