

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1595 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-accused under Sections 397 and 401 Cr.P.C. challenging the notice dated 3.6.2016 passed in M.C.No.A/713/2016 by the Executive Magistrate, Huzurnagar.

2. In the notice dated 3.6.2016 in the above M.C., it is alleged that the petitioner committed an offence punishable under Section 7(A) r/w 8(e) of A.P. Prohibition Act, 1995, Telangana Adoption order, 2015 in COR No.131 of 2016.

3. The learned Counsel for the petitioner submitted that the learned Executive Magistrate has not conducted any enquiry as contemplated under Section 116 Cr.P.C. in the instant case and that the provisions of Section 122(b) can be invoked to arrest any person, who breached his bond executed under Section 117 Cr.P.C. and that the petitioner has not executed any bond under Section 117 Cr.P.C. He further submitted that the learned Magistrate committed an error in enforcing the bond alleged to have been executed by the petitioner under Section 110 Cr.P.C.

4. The learned Additional Public Prosecutor also submitted that the learned Executive Magistrate has passed the order without following the procedure as contemplated under the Code of Criminal Procedure.

5. Having regard to the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The notice under revision is set aside and the respondent-authorities concerned are directed to conduct

an enquiry afresh, after giving an opportunity to the petitioner to put forth her case. 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, it is left open to the respondent-authorities concerned to pass appropriate orders. The petitioner is also directed to make her submissions before the authorities concerned.”

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

JUSTICE RAJA ELANGO

Dated: 22nd June, 2016

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