

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1530 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner aggrieved by the notice, dated 30.4.2016, issued in M.C.No.43 of 2016 by the Mandal Executive Magistrate at Kadiyam, East Godavari District.

2. It is the case of the prosecution that the petitioner entered into a bond of security for good behavior for a period of one year before the Mandal Executive Magistrate on 26.2.2016 for a sum of Rs.1,00,000/-. Subsequently, it was reported by the Station House Officer, Prohibition and Excise Station, Rajamahendravaram South, dated 30.4.2016, that the petitioner committed a similar offence. Basing on the said report, the learned Executive Magistrate, having come to the conclusion that the petitioner violated the bond, issued notice of forfeiture directing the petitioner to pay penalty of Rs.1,00,000/- i.e., the amount of bond, within 15 days or to show a cause. Aggrieved by the said order, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner submitted that the learned Magistrate has not followed the procedure and that the provisions of Section 122 (b) Cr.P.C. can be invoked to arrest any person, who breached his bond executed under Section 117 Cr.P.C; that the petitioner has not executed any bond under Section 117 Cr.P.C., and that the learned Magistrate erred in enforcing the bond alleged to have been executed by the petitioner under Section 110 Cr.P.C.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, the impugned proceedings are liable to be set aside.

6. Accordingly, the Criminal Revision Case is allowed setting aside the proceedings against the petitioner in M.C.No.43 of 2016 on the file of the Mandal Executive Magistrate, Kadiyam, East Godavari District.
7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

17.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 17.6.2016

AMD