

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1793 OF 2016

ORDER:

The criminal revision case is filed under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) seeking to set aside the proceedings in M.C.No.A/2255/2016, dated 27.05.2016, on the file of the Executive Magistrate, Devarakonda, Nalgonda District.

It is the case of the prosecution that the petitioner entered into a bond for good behavior for a period of one year before the Mandal Executive Magistrate on 06.10.2015 and in default to forfeit the amount of bond. Subsequently, it was reported that the petitioner committed the offence and basing on the report of the SHO concerned, 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/- within seven days or to show cause as to why the petitioner should not be adjudged for imprisonment until such bond period expires. Aggrieved by the said order, the petitioner filed this revision case.

Heard and perused the material available on record.

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

Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is of the view that it is a fit case to quash the proceedings in the above M.C.

The Criminal Revision Case is accordingly allowed setting aside the proceedings against the petitioner in M.C.No.A/2255/2016 on the file of the Executive Magistrate, Devarakonda, Nalgonda District. Consequently, miscellaneous petitions, pending if any shall stand closed.

JUSTICE RAJA ELANGO

11.07.2016
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