

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.298 of 2016

ORDER:

1. This Criminal Revision Case is filed by the petitioner aggrieved by the notice dated 6.1.2016 issued in Case No.972 of 2015-16 by the Executive Magistrate, Mandamarri, Adilabad 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 six months before the Executive Magistrate on 14.10.2015 for a sum of Rs.1,00,000/-. Subsequently, it was reported that the petitioner committed an offence punishable under Section 7(A) r/w 8(e) of the A.P. Prohibition Act. Basing on the said report, the learned Executive Magistrate having come to the conclusion that the petitioner violated the bond, issued notice of forfeiture dated 6.1.2016 directing the petitioner to pay Rs.1,00,000/- as agreed upon by him, within seven 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 conducted any inquiry as per Section 116 Cr.P.C., in the instant case, 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. and 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, 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 inquiry afresh, after giving an opportunity to the petitioner to put forth his case. If it is found in the inquiry that the petitioner committed any offence subsequent to the execution of the bond alleged to have been executed by him, it is left open to the respondent-authorities concerned to pass appropriate orders. The petitioner is also directed to make his submissions before the authorities concerned.”

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

JUSTICE RAJA ELANGO

Dated: 29th January, 2016
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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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