

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1363 OF 2016

ORDER:

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This Criminal Revision Case is filed by the petitioner/accused under Sections 397 & 401 Cr.P.C. challenging the notice in M.C.No.34 of 2016 on the file of the Mandal Executive Magistrate at Rajamahendravaram-Urban.

2. It is the case of the prosecution that the petitioner entered into a bond for good behavior for a period of six months before the Mandal Executive Magistrate on 17.2.2016 for a sum of Rs.2,00,000/-. Subsequently, basing on the report, dated 27.4.2016, of the Station House Officer, Prohibition and Excise Station, Rajamahendravaram North, the learned Mandal 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.2,00,000/- i.e., the amount of bond, within 15 days or to show a cause. Aggrieved by the said order, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner contended that the petitioner never executed any bond as alleged in the notice and further, even if it is admitted that such bond was executed by her, the authorities should conduct an enquiry and pass appropriate orders, but the impugned notice issued by the authorities is without there being any enquiry and the same is against the principles of natural justice and the provisions of the Code of Criminal Procedure.

5. 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 the impugned notice was issued without any

application of mind by the authorities. It is also evident from the dates mentioned in the said notice that the authorities concerned have not conducted any enquiry regarding the fact of subsequent registration of the crime. Hence, it is a fit case to quash the proceedings in the above M.C.

6. Accordingly, the Criminal Revision Case is allowed setting aside the proceedings against the petitioner in M.C.No.34 of 2016 on the file of the Mandal Executive Magistrate at Rajamahendravaram-Urban, East Godavari District. It is made clear that the respondent, if so desires, is at liberty to proceed further in accordance with law after issuance of fresh notice to the petitioner. Consequently, miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

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JUSTICE RAJA ELANGO

8.6.2016
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