

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1488 of 2016

ORDER:

1. This Criminal revision case is filed by the petitioner seeking to set aside the order dated 29.4.2016 in M.C.No.136 of 2016 on the file of the Mandal Executive Magistrate, Rajanagaram, East Godavari District.

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 26.2.2016 for a sum of Rs.2,00,000/-. Subsequently, it was reported that the petitioner committed an offence punishable under the provisions of the A.P. Prohibition Act. Basing on the said report, 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 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. 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 and the submissions made by the learned Counsel for the petitioner, this Court is of the view that it is a fit case to set aside the impugned notice

issued against the petitioner in the above M.C.

6. Accordingly, the Criminal revision case is allowed setting aside the impugned notice issued against the petitioner in M.C.No.136 of 2016 on the file of the Mandal Executive Magistrate, Rajanagaram, East Godavari District. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

15th June, 2016

Tsr