

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2874 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., challenging the order dated 24.09.2016 passed in M.C.No.A/ 13312/ 2015 by the Executive Magistrate, Nalgonda.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents (TS).

3. On 24.09.2016, the Executive Magistrate, Nalgonda, passed the following order.

“Respondent/accused Karingu Venkanna S/o Ramchandru, age: 32 years, Caste: Goud, Occ: Business R/o Badamarlapalle Village of Kanagal Mandal, Nalgonda, whereas 15th June 2016 you have entered in to a bond of security for good behavior for a period of one year and bound yourself in default therefore to forfeit the sum of Rs.1,00,000/- to the government and whereas you have committed a breach of bond by committing an offence under Sections 379 IPC and Section 3 of PDPP Act, vide Crime No.265/ 2016 of Nalgonda I Town Police Station.

You are hereby required to pay said penalty of Rs.1,00,000/- or show cause within fifteen days why you should not be adjudged for imprisonment until such bond period expires.”

4. A perusal of the record clearly reveals that the learned Executive Magistrate directed the petitioner to pay penalty of Rs.1,00,000/-. It is settled law that no quasi or judicial order can be passed without affording reasonable opportunity to the affected party. Passing of any order without giving reasonable opportunity to the affected party would amount to violation of principles of natural justice. Admittedly, in the instant case, the order is being passed by the Executive Magistrate, without giving any opportunity to the petitioner leave apart non-following of the procedure

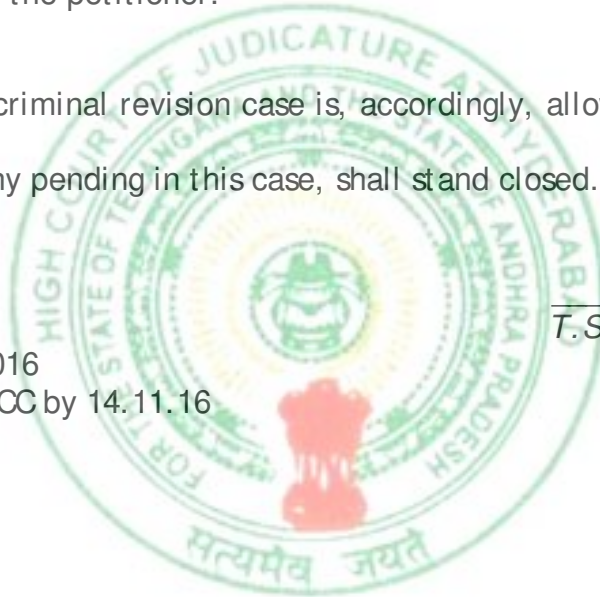
contemplated under the Code of Criminal Procedure. If the order is allowed to stand, it would amount to miscarriage of justice. If there is any illegality or irregularity or impropriety in the orders passed by the lower authority, this court can set aside the same by exercising the revisional jurisdiction under Section 397 Cr.P.C.

5. Having regard to the facts and circumstances of the case, the impugned order dated 24.09.2016 passed in M.C.No.A/ 13312/ 2015, is set aside and the learned Executive Magistrate is hereby directed to pass appropriate orders in accordance with law, after affording reasonable opportunity to the petitioner.

6. The criminal revision case is, accordingly, allowed. Miscellaneous petitions, if any pending in this case, shall stand closed.

Date: 11.11.2016
Note: Furnish CC by 14.11.16
(BO)
BSS

T.SUNIL CHOWDARY, J



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Date: 11.11.2016

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