

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.208 of 2016

ORDER:

1. This Criminal Revision Case is filed by the petitioner aggrieved by the notice dated 31.12.2015 passed in M.C.No.A/1770/2015 passed by the Executive Magistrate and Tahsildar, Wardhannapet, Warrangal District.

2. It is the case of the respondent that the petitioner entered into a bond of security for good behavior for a period of six months and bound himself in default thereof to forfeit a sum of Rs.1,00,000/- to the Government. Subsequently, it was reported that the petitioner committed a breach of bond by committing an offence punishable under Section 7(A) r/w 8(e) of the A.P. Prohibition Act in Crime No.767/2015-16 on the file of Prohibition & Excise Station, Wardhannapet. Basing on the said report, the learned Executive Magistrate issued the notice under revision directing the petitioner to pay Rs.1,00,000/- as agreed upon by her, within seven days. Aggrieved by the said notice, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. Learned Counsel for the petitioner submitted that the petitioner never executed any bond for a sum of Rs.1,00,000/- for good behavior before the learned Magistrate and no proceedings were initiated under Section 110 Cr.P.C. and no order was passed under Section 111 Cr.P.C., and no summons or warrants were issued requiring the petitioner to appear as contemplated under Section 113 Cr.P.C. and no enquiry was conducted as to the truth or otherwise of the information received as contemplated under Section 116 Cr.P.C., and no final order was passed.

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-authority concerned is directed to conduct an enquiry afresh. If it is found in the enquiry that the petitioner committed any offence subsequent to the execution of the bond, alleged to have been executed by her, the authorities concerned are at liberty to pass appropriate orders. If the authorities intend to pass any orders, directing the petitioner to deposit Rs.1,00,000/-, or to send the petitioner to the judicial custody, the said order shall be suspended for a period of 15 days, so as to enable the petitioner to approach the appellate authority concerned.”

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

JUSTICE RAJA ELANGO

Dated: 22nd January, 2016

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