

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1300 of 2016

ORDER:

This Criminal Revision Case is filed by the petitioner aggrieved by the notice, dated 21.05.2016, for forfeiture of bond for good behaviour in M.C.No.514/2016, issued by the Executive Magistrate at Dharmapuri.

It is the case of the prosecution that the petitioner executed a bond for good behavior for a period of six (6) months before the Mandal Executive Magistrate on 21.03.2016 for a sum of Rs.30,000/-, invoking provisions under Section 110 Cr.P.C. Subsequently, the petitioner was involved in similar crime COR No.412/2016, dated 09.05.2016, during the pendency of the bond. Therefore, the Executive Magistrate, Dharmapuri, has issued notice requiring the petitioner to pay Rs.30,000/- as agreed upon by him or show cause as to why he should not be adjudged for imprisonment until such bond period expires, within seven days from the date of service of the notice. Hence, the present revision is filed.

Heard and perused the material available on record.

Learned Counsel for the petitioner submitted that 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.

Considering the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The order under revision is set aside and the 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 him, the authorities concerned are at liberty to pass appropriate orders. Till then, the respondent – police are directed not to arrest the petitioner.

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

JUSTICE RAJA ELANGO

03.06.2016
pln