

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1542 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner challenging the proceedings, dated 3.6.2016, in M.C.No.D/271/2016 passed by the Executive Magistrate at Wardhannapet, Warangal District.

2. Brief facts of the case are as follows:

On 3.6.2016, the Executive Magistrate and Tahsildar, Wardhannapet issued a notice of forfeiture of Bond for good behaviour, as under:

“Whereas on 2/03/2016 you have entered into a bond of security for Good Behaviour for a period of (6) months and bound yourself in default thereof to forfeit the sum of Rs.1,00,000/- to the Government and whereas you have been committed a Breach of Bond by committing an offence under Section 7(A) r/w 8 (e) of Prohibition Act in Crime case No.COR No.198/2016, dated 19.5.2016 of Prohibition and Excise Station, Wardhannapet.

You are hereby required to pay the said penalty of Rs.1,00,000/- or show cause within seven (7) days why you should not be adjudged for imprisonment until such bond period expires.”

3. As the petitioner failed to comply with the order, *vide* proceedings, dated 13.6.2016, he has been adjudged for imprisonment till the period of bond expires viz., till 26.8.2016. Aggrieved by the same, the petitioner filed this revision.

4. Learned counsel for the petitioner submitted that no enquiry was conducted against the petitioner and that the order under revision does not stand to the test of legal scrutiny.

5. Learned Additional Public Prosecutor opposed this revision

stating that there is no illegality in the order under challenge.

6. In the instant case, the impugned order was passed holding that the petitioner committed breach of bond by committing an offence punishable under Section 7(A) r/w 8(e) of the A.P. Prohibition Act, 1995 and as such, the petitioner is required to pay penalty of Rs.1,00,000/- to show cause within 7 days. As he failed to give explanation, he was adjudged for imprisonment till the period of such bond expires. The order does not indicate anything as to whether any enquiry was conducted into the truth of the information and whether there was any such other ground to forfeit amount mentioned in the bond itself. As the order under challenge came to be passed without conducting proper enquiry, the same is liable to be set aside.

7. In the result, the Criminal Revision Case is allowed setting aside the proceedings, dated 3.6.2016, in M.C.No.D/271/2016 passed by the Executive Magistrate at Wardhannapet, Warangal District, and the Executive Magistrate/Tahsildar, Wardhannapet shall proceed with the matter i.e., M.C.No.D/271/2016 after hearing the aggrieved person and in accordance with the procedure contemplated under law.

8. The petitioner shall be released forthwith, if he is not required in any other crime.

9. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

17.6.2016

Note:- Furnish C.C. today.

B/O

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 17.6.2016

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