

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1528 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner aggrieved by the notice, dated 21.5.2016, for forfeiture of bond for good behaviour in M.C.No.514/2016, dated 21.3.2016, issued by the Executive Magistrate, Raikal, Karimnagar District.

2. 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 21.3.2016 for a sum of Rs.30,000/- invoking provisions under Section 110 Cr.P.C., vide proceedings in M.C.No.514/2016. Subsequently, the petitioner was involved in similar crime in COR.No.375/2016, dated 17.4.2016, on the file of the Prohibition and Excise Station, Dharmapuri during the pendency of the bond. Therefore, the Executive Magistrate, Raikal has issued notice, dated 21.5.2016, 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.

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.30,000/- for good behavior before the learned Magistrate and no proceedings were initiated under Section 110 Cr.P.C.; 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.; that 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. He further submitted that the petitioner has

already submitted reply as per the directions issued in the said notice.

5. 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.”

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

JUSTICE RAJA ELANGO

17.6.2016

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