

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6689 of 2016

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the proceedings in M.C.No.113 of 2016 on the file of the Mandal Executive Magistrate, Rajanagaram, East Godavari District, against him.

2. It is the case of the prosecution that the petitioner entered into a bond for good behavior for a period of one year before the Mandal Executive Magistrate on 17.02.2016 for a sum of Rs.50,000/. Subsequently, basing on the report, dated 10.03.2016, of the Station House Officer, Prohibition and Excise Station, Rajamahendravaram, the learned Mandal Executive Magistrate, having come to the conclusion that the petitioner violated the bond, issued notice of forfeiture directing the petitioner to pay penalty of Rs.50,000/- i.e., the amount of bond, within 15 days or to show a cause. Aggrieved by the said order, the petitioner filed this petition.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner contended that the petitioner never executed any bond as

alleged in the notice and further, even if it is admitted that such bond was executed by him, the authorities have to conduct an enquiry and pass appropriate orders, but the impugned notice was issued by the authorities without there being any enquiry and the same is against the principles of natural justice and the provisions of the Code of Criminal Procedure.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is of the view that the impugned notice was issued without there being any enquiry. It is also evident from the dates mentioned in the said notice that the authorities concerned have not conducted any enquiry. Hence, it is a fit case to quash the proceedings in the above M.C.

6. Accordingly, the Criminal Petition is allowed setting aside the proceedings against the petitioner in M.C.No.113 of 2016 on the file of the Mandal Executive Magistrate, Rajanagaram, East Godavari District. It is made clear that the respondent, if so desires, is at liberty to proceed further in accordance with law after issuance of fresh notice to the petitioner. Consequently, miscellaneous petitions, if any, pending in this petition shall stand closed.

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JUSTICE RAJA ELANGO

28th April, 2016
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