

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CRIMINAL REVISION CASE NO.2741 of 2016

ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., challenging the order dated 30.08.2016 passed in M.C.No.29 of 2016 by the Executive Magistrate, Devarakonda Mandal, Nalgonda District..

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents (TS).

3. On 30.08.2016, the Executive Magistrate, Devarakonda Mandal, Nalgonda District, passed the following order.

“Whereas on 10.10.2015 you have entered into a bond of security for Good Behaviour for a period of one year 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 176 of 2016, dated 22-08-2016 of Prohibition & Excise Station, Devarakonda.

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

4. A perusal of the record clearly reveals that the learned Executive Magistrate directed the petitioner to pay penalty of Rs.1,00,000/-. It is settled law that no quasi or judicial order can be passed without affording reasonable opportunity to the affected party. Passing of any order without giving reasonable opportunity to the affected party, would amount to violation of principles of natural justice. Admittedly, in the instant case, the order is being passed by the Executive Magistrate, without giving any opportunity to the petitioner leave apart non-following the procedure as contemplated under the Code of Criminal Procedure. If the order is allowed to stand,

it would amount to miscarriage of justice. If there is any illegality, or irregularity or impropriety in the orders passed by the lower authority, this court can set aside the same by exercising the revisional jurisdiction under Section 397 Cr.P.C.

5. Having regard to the facts and circumstances of the case, the impugned order dated 30.08.2016 passed in M.C.No.29 of 2016, is set aside and the learned Executive Magistrate is hereby directed to pass appropriate orders in accordance with law, after affording reasonable opportunity to the petitioner.

6. The criminal revision case is, accordingly, allowed. Miscellaneous petitions, if any pending in this case, shall stand closed.

DATED: 01-11-2016.
Hsd

T.SUNIL CHOWDARY, J

