

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.R.C.No.2433 of 2017

ORDER

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., aggrieved by the order passed by the Executive Magistrate, Huzurnagar in M.C.No.1164 of 2017 dated 30.08.2017 by exercising power under Section 111 of Cr.P.C.

2. The facts leading to filing of the case in M.C.No.1164 of 2017 are that the petitioner was asked to execute a bond as security for good behaviour for a period of three years and bound himself in default thereof to forfeit the sum of Rs.1,00,000/- to the Government. But the petitioner indulged in a case in Crime No.COR 166/2017 dated 21.08.2017 of Prohibition and Excise Station, Huzurnagar, during the said period of three years. Undisputedly, the bond was executed by petitioner to maintain good behaviour for a period of three years, but a case was registered in crime No.COR 166 of 2017 on 21.08.2017 i.e., immediately after 17 days from the date of execution of the bond, and thereby ordered forfeiture of the bond while calling upon the petitioner to show cause why the bonds should not be forfeited. But this question is no more *res integra* in view of the judgment in CrI.R.C.No.999 of 2016 dated 12.04.2016, wherein this Court, in identical circumstances, set aside the order and directed the Executive Magistrate and Tahsildar, to proceed with the matter in accordance with law after permitting the petitioner to file his explanation to the notice and after appropriate enquiry, the Magistrate is required to pass an order.

3. In view of the directions issued by this Court in the judgment dated 12.04.2016 in Crl.R.C.No.999 of 2016 referred supra, the order impugned is set aside, while directing the petitioner to file his explanation to the show cause notice within 14 days from today, and on filing such explanation, the Executive Magistrate and Tahsildar, Huzurnagar, is directed to conduct necessary enquiry and pass appropriate order for forfeiture or otherwise, within one month thereafter.

4. With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SATYANARAYANA MURTHY, J

11th September, 2017

Note:
CC by two days
(b/o)
sj

