

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.19 of 2018

JUDGMENT:

The present Criminal Revision Case is filed under Sections 397 and 401 of Criminal Procedure Code, 1973 (for short, 'Cr.P.C.'), challenging the order dated 20.12.2017 passed in MC.No.A/2794/2017 by the Executive Magistrate, Mattampally Mandal, Suryapet.

2. Heard the learned counsel for the petitioner and the learned Special Assistant Public Prosecutor for the State of Telangana.
3. On 20.12.2017, the Executive Magistrate, Mattampally Mandal, Suryapet, passed the following order:

“Whereas on 04.07.2017 you have entered into a bond of security for Good Behaviour for a period of Three years 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 A.P. Prohibition Act (Telangana Adaption Order 2015) in crime case No.COR 222/2017, Dated: 27.10.2017 of Prohibition & Excise Station, Huzurnagar.

You are hereby required to pay the said penalty of Rs.1,00,000/- or show cause within (15) 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 Special Executive Magistrate, without giving any opportunity to the petitioner leave apart non-following of the procedure 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 20.12.2017 passed in MC.No.A/2714/2017, 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.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case shall stand closed.

Dt. 04.01.2018

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A. SHANKAR NARAYANA, J