

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE No.999 OF 2018

ORDER:

This revision is filed against the order dated 04.09.2017 in M.C.No.B/121/2017 on the file of the Special Executive Magistrate, Hyderabad District.

Heard learned counsel for the petitioner/accused and learned Additional Public Prosecutor for the respondent-State and perused the record.

Learned counsel for the petitioner would submit that the impugned order was passed without there being any enquiry as contemplated under law and relied on the order passed in CrI.R.C.No.2922 of 2016 dated 17.11.2016. On 04.09.2017, the Special Executive Magistrate, Hyderabad District passed the following order:

“Whereas on 13.03.2017 you become respondent by a bond you would be of good behaviour for a period 1 year and bound yourself in default thereof to forfeit the sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the government and whereas if you have again committed the offence of sale of Ganja is Narcotic in cities and his actives are likely to cause danger to public health and being at large in hazardous to the community you become such respondent, whereby your security bond has become forfeited.

You are therefore hereby required to appear with your explanation for the above before me within (07) working days or show cause why legal action should not be enforced against you.”

As per the record, the learned Special Executive Magistrate directed the petitioner to pay penalty of Rs.1,50,000/- without there being any enquiry and affording an opportunity to the petitioner to submit his defence and without following the requisite procedure contemplated under the Code of Criminal Procedure. If the order is allowed to stay, it causes miscarriage of justice.

Therefore, the same is set aside and the Court below is directed to pass appropriate orders in accordance with law after affording reasonable opportunity to the petitioner herein.

The Criminal Revision Case is allowed accordingly.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

11th April, 2018.
ssp

