
(1993) 11 AHC CK 0010
In the Allahabad High Court
Case No : Criminal Revision No. 1846 of 1993

Kailash Nath and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 11-11-1993

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 111

Citation : (1993) 11 AHC CK 0010

Hon'ble Judges : A.S.Tripathi, J

Final Decision : Disposed Of

Judgement

A. S Tripathi, J.—Heard learned Counsel for the revisionists and learned A.G.A. for State. Learned Magistrate has passed an order under Section 111, Cr. P. C. calling upon the revisionists to showcause on the date fixed on 8H1993 or to furnish the bond of Rs. 25,000 and sureties of the same amount.

2. A perusal of the Section 111, Cr. P.C. shows that it is the duty of the Magistrate to proceed under the provisions of Sections 107, 108, 109 and 110, Cr. P. C. and enquire upon the information received, the Magistrate has to set forth the substance of the information and call upon the person concerned to showcause as to why the amount of the bond to be executed the terms for which it is to be in force and the number, character and class of sureties, is specified. In this particular case the learned Magistrate has passed this order on an information received from the S. H. O. Kydganj, Allahabad and calling upon the revisionists to showcause as to why they could not be held to furnish the bonds required fixing 8111993.

3. It has been averred in the affidavit that on the date fixed no action was taken by the Magistrate against the revisionists, who appear before the Court. When the revisionist appear before the Court for showcause, the Magistrate did not proceed with the enquiry and even if the date is extended without hearing of the revisionist, the same is uncalled for as the provision of Section 111, Cr.P.C. are complete in itself. The provision of Sees. 113, 116 and 117 came into play when

the person concerned are not present in the court or to fail to showcause, the Magistrate call for furnishing the bonds under the provision under Section 116 (3), Cr. P.C. That stage has not come in this case. The date was fixed on 8111993 for appearance of the revisionists is the Court When the date was fixed on 8111993 either to showcause or to furnish the bonds and the revisionist appear, it was incumbent upon the learned Magistrate either to call upon to showcause or to proceed with the enquiry. The revisionists when appeared the learned Magistrate did not do anything on that date. Accordingly the impugned order exhausted in same day. When nothing is done on the date fixed on the appearance of the revisionist and the learned Magistrate did not proceed with the enquiry further the said order exhausted. As such if the learned Magistrate wants to proceed in future fresh order is required in the circumstances.

5. With these observations the revision is disposed of finally. The learned Magistrate if deems necessary may proceed according to law by passing a fresh order.

Revision disposed of.