

Format of order done by the Magistrate in section 122(1)(b)

Court of Honorable Executive Magistrates, Bangalore

MAG. Case no./ 20

Applicant: Shri _____

against

Respondent : Shri _____ And another

LIST OF RECORDS

Sl.no.	Details of Records	Date
1	MAG-----Order Copy	00/00/0000
2	A copy of the bond signed by the Respondent	00/00/0000
3	_____ Police Station Crime no. _____ First Information Report	00/00/0000

Place- _____

Date _____

Hon'ble Court of Executive Magistrates, Bangalore

MAG No. -----/20

Presiding officer

Sri _____

Date: 00/00/0000

Applicant:

Age.....Year.....Occupation.....

against

Respondent ·1)

Age.....Year.....Occupation..... .

2)

Age.....Year.....Occupation..... .

- Date of Application and section :
- Prayer in application
- Date of order under section 111.
- Date of commencement and termination of inquiry:

ORDER

1. The petitioner has filed an application against the respondent under section 122(1)(b) of the Code of Criminal Procedure seeking forfeiture of the bond, the summary of the facts of the application is as follows _____
2. On perusal of the facts in the said application, as prima facie grounds for inquiry were found, notice was issued to the respondents.
3. The Respondent was present through his advocate. Adequate time was given to the respondents to file objections to the Section 122(1)(b) application, after which the respondents filed objections. Along with it submitted the _____ documents. (if submitted).
4. Applicant as a witness has submitted his affidavit. All the documents submitted by him were marked as exhibit P1 to P-----.

The Respondent affidavit is also received.(If received). The documents submitted by him were marked as exhibit A1 to A-----

5. Both the parties arguments were heard.
6. Considering the facts of the case and the evidences of the case, the following determinable points are established –
 - a) As alleged by the petitioner, has the Respondent violated the bond condition which was signed as per the order passed by this court under section 117 of CrPC on date-----?
 - b) Is the applicant's application worthy of acceptance?
 - c) What order?

The answer to the above mentioned considerations is as follows-

- a) Positively;
- b) Positively:
- c) Positively

Reasons

1) Determinable factor 1 and 2:

Since these two factors are interdependent, both are considered together. The applicant through his application (summary of the application) Respondent 1 on date _____ as per the order under section 117 CrPC had signed bond for Rs. _____ and for the period _____. Also the surety who is the second Respondent Sri _____ has also signed the bond for the same amount and for the same period that Respondent 1 will be in good behaviour with the Government and to all the citizens of India. In spite of knowing this, 1st Respondent on date _____ in the _____ Police Stations limits has indulged himself in criminal activities, and hence a case in crime no. _____ under section _____ in _____ Police station is registered against him.

The FIR copy and the petition submitted by the petitioner which is in exhibit P1 to P----clearly shows the facts that the Respondent has disturbed the public peace and harmony and is involved in criminal activities. Through this he has violated the bond condition signed by him in which he had clearly mentioned that he will not indulge in any criminal activities and maintain good behaviour. The second Respondent has also failed to carry out his responsibility as a surety. **Hence the determinable point no. 1 is answered positively.**

- 2) Bond was taken from the Respondent 1 as a preventive measure to prevent any further criminal activities by him and for maintaining good behaviour with the public. The Respondent 2 had the responsibility of ensuring good behaviour of the Respondent 1 all the time. In spite of Respondents knowing that they are bound by the bond conditions, Respondent 1 has violated them and has got involved in criminal activities and has showed bad behaviour. It is apparently seen and also through the arguments cited by the petitioner that if the Respondent 1 is left free for the remaining period of the bond, there is every possibility of he becoming danger to public peace, order and public life. The respondents have not produced any relevant evidence to refute the Petitioner's contentions & allegations and their statements of accepting their mistakes and requesting that they would not repeat the same, shall be sufficient to allow the petition seeking appropriate action against the Respondents.

In this background, it is found necessary to take action against the Respondents as per the prayer made by the petitioner. **Therefore the determinable point 2 is answered in the affirmative.**

- 3) As per order

ORDER

The Petition of the petitioner is allowed. The bond signed by the Respondent on date _____ in MAG case no. _____ dated _____ as per the order under section 117, is confiscated to the Government. Consequent to this the Respondent is ordered to pay the bond amount of Rs _____ within _____ days. In case if the Respondent doesn't pay the bond amount, it is ordered that this file to be forwarded to the District Collector to confiscate the Respondent's movable and immovable property and collect the bond amount as land revenue.

- 4) Ordered that the Respondent 1 to be remanded in judicial custody for the remaining period of the bond that is till date _____.

Place : _____
Date : _____

sd/-
Executive Magistrate

LIST OF WITNESSES

In favour of the applicant

- 1)
- 2)

In favour of the Respondent

- 1)
- 2)

LIST OF RECORDS

In favor of the applicant

- 1)
- 2)

In favour of the Respondent

- 1)
- 2)

Place : _____

Date : _____

sd/-
Executive Magistrate