

FORMAT OF THE NOTE SHEET

1. "On examination of the application submitted by the applicant and the facts therein, satisfactory grounds have been found to inquire into the allegations made against the respondent. Hence Ordered to register in the MAG Case register".

Call on -----

Signature-----Date-----

Date	<p>Having examined the application submitted by the petitioner and the facts therein, satisfactory grounds have been found to inquire into the allegations made against the respondent, and hence Ordered to register in the MAG Case register .</p> <p style="text-align: center;">call on - -----</p> <p style="text-align: right;">Signed,</p>
Date	For order under CrPC Section 111
Date	<p style="text-align: center;">Section 111 Order</p> <ul style="list-style-type: none"> • A brief description of the complaint/application filed by the applicant earlier in this order. • The amount of security required, period and details of surety required by the respondent should appear. • Why the above should not be taken by Respondent should be mentioned in the order <p>(Until now, Executive Magistrates have been issuing show cause notices and not orders. Issuing show cause notices is not the right course of action.)</p> <p>The amount, period and surety mentioned in the 111 order, should not exceed while passing final order under 117,</p>

2. It shall not be mentioned that the police officers have arrested and produced the opponent until the Executive Magistrate has made an order under section 111.

3. After making the order under section 111, the Magistrate shall check if the respondent is present. In case if the respondent is present then steps to be taken as per section 112. That means following steps should be taken-

Date	<p>Order under 111_____</p> <p>After the order,</p> <ul style="list-style-type: none"> • If the petitioner has submitted the report for interim order and if arrested the opponent u/s151 , then Magistrate should record whether any violence has been inflicted on the opponent party and document it. • Should record the attendance. Should read out the 111 order to opponent and ask him whether he agrees to the allegations made and ready to give security and surety? Or else whether he requires inquiry to be done? After getting the opponent reply should record the same in the note sheet and get his signature
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4. In case if the opponent is not arrested and produced, then Magistrate should take steps as per section 113

Date	<p>Order u/s 111-----</p> <p>After the above order;</p> <p>Summons has been issued to the respondent, Hence SHO _____ of the police station should get the summons and the order u/s111 to be served to the respondent. Case is adjourned to Date----- for the respondent's presence.</p> <p style="text-align: center;">Date Signature</p> <hr/> <ul style="list-style-type: none"> • Along with summons copy original copy of order u/s 111 should compulsorily given to the police to be served on the respondent • After the police officer get them served to the Respondent, then the police officer should specifically ensure that the entry is clearly made about the serving of summons and order u/s 111 to the respondent in the report submitted to the magistrate. • Similar type of procedure to be followed if the Magistrates issues warrant in place of summons
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5. When the respondent appears in front of Magistrate based on the summons/warrant issued to him, then the respondent should take the following steps:

<p>Date (Summons/Warrant and order u/s 111 has been served on the Respondent)</p>	<p>Respondent is present along with Advocate and have submitted the Vakkalath . Order u/s 111 was read out to the respondent. After this respondent was asked whether he accepts the allegations and is ready to give the security and surety or else he requires an inquiry to be done.</p> <ul style="list-style-type: none"> • The reply given by the respondent will be recorded and his signature will be taken in the note sheet. • In case if the opponent agrees to the allegations made and agrees to give security and surety, then the magistrate should pass the order as under. <p>“Respondent has agreed to the allegations made against him u/s 111 and has agreed to give the security and surety as per the order. Respondent was clearly told about the consequences of he accepting the allegations and signing the bond. Respondent confirmed that he has willingly accepted it . It is confirmed that respondent has accepted it willingly without any pressure, fear or incentives. Hence court is adjourned to Date_____for passing the final order u/s117</p> <p>Signature _____ Date _____</p> <p>Respondent Signature _____</p> <p>Signature of the Advocate of the Respondent _____</p>
<p>Date</p> <p>As the respondent agreed to the allegations and is ready to give security and surety as per order u/s 111, final order u/s117 is made.</p>	<p style="text-align: center;">Order</p> <p>The petition of the petitioner is allowed. Respondent to give security for Rs _____ and _____for period along with surety of one eminent person. During this bond period Respondent should not disturb the public peace and harmony /not to indulge in any cognisable offence, not to obscond/not to indulge any habitual criminal activities and not to disturb the public tranquility and not to become threat to the society. Hence ordered him to behave in a good manner.</p> <p>Date _____ Signature _____</p> <p>Respondent Signature _____</p> <p>Respondent Advocate’s signature _____</p>

<p>Respondent has submitted the affidavit and the list of immovable properties of Sri _____ as surety. Hence order u/s120 for acceptance of the surety</p>	<p>Surety Sri -----is present and has submitted a certificate agreeing to be the surety along with documents of immovable properties. He confirmed that he is aware of the order passed u/s 117 and knows about the consequences of the violation of the order. On enquiry, it is found that he is the respectable person and is willingly agreed to become the surety and hence this surety is accepted.</p> <p>Date _____ Signature _____</p> <p>Respondent Signature _____</p> <p>Surety Signature _____</p> <p>Respondent's Advocate Signature _____</p>
<p>Respondent and surety have given the undertaking as per order u/s117. The same copy is provided the petitioner</p>	
	<p>If the respondent after hearing the order u/s 111, denies the allegations and request for the trial to be held, then the case to be dealt as under.</p> <p>“Respondent is present along with his advocate and submitted the vakkalat. Order u/s 111 was read out for the respondent and was asked whether he is ready to accept the allegations and provide surety and security as desired? Or an inquiry should be held? Respondent denied the order and the allegations made and requested for his case to be heard.</p> <p>During this time if the petitioner submits one more petition for taking interim bond u/s 116(3) from the respondent. This copy is given to the Respondent. Listened to the arguments from both the side. Order is made as below:</p> <p style="text-align: center;">Order u/s 116(3) CrPC</p> <p>On perusal of the facts of the case(the facts should be briefly stated), it is found that the respondent till the enquiry is completed is required to sign an bond for Rs _____ along with _____ surety. A prima facie case appears to be necessary to order the grant of interim relief. The contentions of the responded are not competent to refute the petitioner's claim. Moreover by ordering the interim bond to respondent till the completion of the enquiry no interest of him would be prejudiced and on the other hand it would help in preventing the disturbance of public peace and harmony which may be caused by him. Hence</p>

	<p>the petitioner request is allowed. Respondent Should sign an interim bond for Rs----- and give surety of ----- -respectable person till the completion of enquiry.</p> <p>Date Signature</p> <p>Respondent signature</p> <p>Respondent Advocate's signature</p>
	<p>As per this when Respondent comes forward to give self bond and surety , then surety should be accepted after due verification as per section 120 of the certificate furnished along with the property documents submitted, it should be ordered that the above surety is accepted.</p> <p>Magistrate's case worker should take the interim bond and keep it in the note sheet.</p> <p>In case, the respondent refuses to comply with the order made under section 116(3) to give the interim bond and fails to give surety ,then the magistrate will take steps as below:</p> <p>“The order made u/s 116(3) dated -----is not obeyed by the respondent and he refuses to comply/failure to give surety ,he was explained about the consequences of non compliance of such order. In spite of this also, respondent fails to give interim bond/surety as per the above order and hence till the completion of the enquiry or till the respondent gives interim bond/surety as per the order 116(3), he is ordered to be kept in judicial custody.</p> <p>The respondent was handed over to the custody of the police officer/constable no. ----- present , and directed to take the jail warrant against the respondent and produce him before the jail authorities to take him under judicial custody.</p> <p>Case is adjourned date -----for inquiry.</p> <p>Signature Date</p>
<p>As per the order u/s116(3), interim bond and surety is taken. Or on refusal Jail warrant was given for Judicial custody</p>	
	<p>To ascertain the truth of the allegations made, inquiry in 116(1) is to be done. Hence court adjourned date-----for conducting the inquiry.</p>

	<p>Jail Superintendent is directed to produce the respondent on the day of the enquiry.</p> <p>Signature _____ Date _____</p>
<p>Date _____</p> <p>Hearing of the petition</p> <p>(If Respondent is in jail, he should be called for the inquiry)</p>	<p>Petitioner, Respondent/Advocate of Respondent are present. Petitioner has requested to consider his petition and the presented documents to be considered as the evidence in his favour. It is verified</p>
	<p>Ordered for examining the petitioner.</p> <p>Petitioner was examined as PW1 and all the documents submitted by him was marked as P1 to P-----. Respondent did the cross examination of the petitioner and petitioner enquiry is concluded.</p> <p>Petitioner confirms that he doesn't have any further evidence leading in his favour.</p> <p>This case is adjourned for next day on _____ for inquiring the respondent.</p> <p>Date _____ Signature _____</p> <p>Petitioner signature _____ Respondent Signature _____</p> <p>Respondent Advocate's signature _____</p> <p>During the time of inquiry, Magistrate should conduct the examination of chief, cross examination and Re examination in the open court.</p> <p>Just like summary case, should make note of the brief point and not each and every question and answer. This much of details are not required.</p> <p>Instead of chief examination can take the affidavit also in this case</p>
<p>Date _____</p> <p>Inquiry of the Respondent</p>	<p>Petititoner, Respondent/Advocate of Respondent are present.</p> <p>Respondent requested to consider his contention and the presented documents to be considered as the evidence in his favour. It is verified.</p> <p>(In case if Respondent wishes to be examined as witness, then proceedings given below will follow)</p>

	<p>not to disturb the public tranquility and not to become threat to the society. This order is made by exercising the power conferred u/s 117. (Detailed order is enclosed separately)</p> <p>Date _____ Signature _____</p>
<p>Have taken Respondent and his surety bond as per the format.</p> <p>A copy of it is provided to the petitioner.</p>	<p>Respondent is present. As a surety sri ----- has submitted the affidavit along with the property documents, who was examined u/s 120 for his eligibility of the surety. Sri _____ representation of being the surety is accepted.</p> <p>Date _____ Signature _____</p> <p>Petitioner signature _____</p> <p>Respondent Signature _____</p> <p>Respondent Advocate's signature _____</p>

This concludes one complete cycle of carrying out the binding over.

In case if the respondent has **breached the bond** and if petitioner files a petition in 122(1)(b), then the following steps is to be taken.

<p>Date</p> <p>Ptitioner has filed an application along with the documents u/s 122(b). For further orders</p>	<p>The applicant has filed an application and ---documents u/s 122(1)(b).</p> <p>Petitioner in the petition has mentioned that the Respondent has violated the bond which was signed by him on date-----. Hence the bond and the surety given to be forfeited and ---- months which is the remaining period of the bond, the respondent to be ordered to be kept in judicial custody. Also confiscation of the property to be done to recover the bond amount. This has been requested by the petitioner.</p> <p>To issue notice to the opponent to submit his contention. Hence ordered to issue notice to the Respondent through ----- Police station either through himself or his sibbandi .</p> <p>The case is adjourned to date-----</p> <p>Date Signature</p> <p>Petitioner signature</p> <p>Along with the notice, report u/s122(1)(b) and the documents filed to be served to the Respondent</p> <p>The serving officer should serve the notice along with the 122(b) application & documents copy to the respondent and get his signature which is then to be communicated to the Magistrate office.</p>
<p>Date: (The report confirming the serving of the notice to the respondent along with 122(b) report is submitted)</p>	<p>The opponents and their advocates were present and requested time to file objections. Time permitted to file objections.</p> <p>The case is adjourned to date-----</p> <p>Date Signature</p> <p>Signature of Petitioner Signature of Opponent</p> <p>Signature of Counsel for Opponent</p>

<p>Date (submission of objections by the opponent)</p>	<p>Opponent and his counsel is present. They have submitted objection for 122(b) petition.</p> <p>The documents submission by the petitioner are public authenticated documents and they are not disputed by the opponent and hence to be marked as evidence and accordingly these exhibits are marked as P1 to P..... Similarly the documents submitted by opponents are taken as exhibits and marked as A1 to A.....</p> <p>Heard the argument of both the parties.</p> <p>Case is adjourned for orders on date ----</p> <p>Date Signature</p> <p>Applicant's signature Opponent's signature</p> <p>Signature of counsel for the opponent</p>
<p>Date (for order)</p>	<p style="text-align: center;"><u>ORDER</u></p> <p>The petitioner 122(1)(b) petition is allowed. The opponent signed bond on date ---- as per the order u/s 117 is hereby forfeited to the Govt. He is also ordered for judicial custody for the remaining period of the bond. Also he is ordered to pay the bond amount of Rs..... In case the respondent fails to pay the bond amount, it is hereby ordered to recover this amount by the district collector ---- -district by forfeiting his immovable property and collecting it as land revenue and depositing it to the government.</p> <p>(Detailed order attached separately)</p> <p>The opponentis given to the police officer ---- ---present to hand him over to Jail authority.</p> <p>Date Signature</p> <p>Signature of Applicant Signature or Opponent Signature or opposing counsel. Opponent's signature Signature of counsel for the opponent</p>

<p>The office staff immediately prepared the jail warrant addressed to the prison authority to send the opponent to the prison and gave the warrant copy to the police officer present.</p> <p>Accordingly the police officer left the opponent to the jail and has submitted the executed order copy to this office on date.....</p>	
<p>The opponent has not paid the bond amount.</p>	<p>As the respondent has been placed under judicial custody as per the order, but has failed to pay the bond amount, the certified copy of the order to be sent to District Collector to forfeit his immovable and movable property and collecting it as land revenue and depositing it to the government.</p> <p style="text-align: right;">Date Signature</p>
<p>Date</p> <p>The letter has been sent to the District Collector---- enclosing the order copy to confiscate his movable and immovable Property and to collect them as land revenue and depositing it to the Government and to provide compliance to this office.</p>	

<p>Date</p> <p>The District collector----- - has submitted a report to this office mentioning that the opponent movable and immovable property is confiscated and is collected as land revenue and is deposited to the Government</p>	
<p>Date: (A report has been submitted by the Jail authorities that the period of judicial custody of the respondent has ended and he has been released from prison. For further orders)</p>	<p>The report of the District Collector and the report of Jail authority is seen. The confiscation order made on Date ----- is fully complied and hence the case is concluded as being closed.</p> <p>Date Signature</p>