

Format of Order u/s 118 CrPC when the opponent case is not proved

COURT OF HONORABLE EXECUTIVE OFFICER, _____

MAG No. -----/20

Bench

Sri _____

Date:

Applicant:

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

against

Opponent·1)

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

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

Order Under Section 118 of the Criminal Procedure Code

- 1) The petitioner has filed an application against the respondent under Section ____ of the Criminal Procedure Code, the summary of the facts of the application is as follows

- 2) On examination of the facts in the said application, it was apparent that there were reasonable grounds to proceed further and hence cognisance was taken and the case was registered. As per the applicant's prayer, an order under section 111CrPC was passed asking the opponent why a bond for Rs _____ and for the period of _____ should be taken against him.
- 3) Issued summons under section 113 to the respondent and copy of order under section 111 on date _____. Opponent was present with his lawyer. The order under Section 111 was read out to the respondent and the respondent denied the allegation made by the petitioner against him and replied that the case should be inquired. Accordingly, inquiry under Section 116(1) was taken up.

- 4) In favour of the petitioner, examination of the prosecution witnesses PW1 to PW__ has been done and exhibits P1 to P__ has been marked. In favour of opponents, examination of defence witnesses DW1 to DW____ has been done and exhibits A1 to A__ has been marked.
- 5) Both parties arguments were heard.
- 6) The facts of the case, examination of witnesses have given rise to the following determining points –
 - A) Does the allegations made by the petitioner including disturbance to public peace and harmony/conspiracy of making a criminal plan and absconding/ habitually indulging in criminal activities and causing threat to public peace,/endangering behaviour exist of the opponent?
 - B) Is the applicant's application worthy of acceptance?
 - C) Is it necessary to take bond for the period from ____ to ____ for surety amount of Rs _____?
 - D) What Order?

The answer to the above determinable points is as follows-

1. Negatively;
- 2 Negatively;
3. Negatively;
4. As per final order

:Reasons:

1) Determinable factor 1 and 2 :

Since these two factors are interdependent, both are considered together. The applicant in his application----- (Summary of the application) has shown that the opponent by his conduct, in the upcoming function/election/protest/etc./ he is likely to commit acts of disturbance of public peace and harmony/Plans to commit some crime and then abscond/ Indulge in habitual criminal activity and endanger public peace and order. But it seems that in the upcoming ceremony/ election/protest, there is no such possibilities of he committing any crime and disturbing public peace and harmony. Also the petitioner's application and the evidence presented to support them apparently do not prove the facts that are necessary to obtain security to maintain good behavior of the opponent. On the other hand as the stand taken by the respondent to refute the allegations against him and the documents and witnesses produced to refute the facts presented by the petitioner is successful and convincing , hence the petition of the petitioner is not worthy of acceptance. **Hence Point 1 and 2 are answered negatively.**

2) Determinable factor 3:

Since point 1 & point 2 are answered negatively, this factor is obviously answered negatively.

3) **As per final order**

ORDER

Petitioner's application is rejected.

(If the opponent has given interim bond, the interim bond given by the opponent and the surety should be cancelled forthwith.)

(If the opponent is in judicial custody without interim bond, his release should be ordered immediately.)

Place: _____

Date: _____

Sd-
Executive Magistrate

LIST OF WITNESSES

In favour of the applicant

1) PW1_____

2) PW2_____

In favour of the Respondent

1) DW1_____

2) DW2_____

LIST OF RECORDS

In favour of the petitioner

1) EP1_____

2) EP2_____

In favour of the Respondent

1) ED1_____

2) ED2_____

Place
Date

Signature
Executive Magistrate