

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.41643 of 2015

ORDER:

The challenge in this writ petition is to the notice dated 30.11.2015 issued by the Executive Magistrate and Tahsildar, Warangal, the second respondent. By the said notice, the second respondent exercised powers under Section 122(b) Cr.P.C. and ordered one Gundeboina Manjula W/o Ashok, who is stated to be the relative of the petitioner, to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the said Gundeboina Manjula being bound over for good behaviour on 09.10.2015 for a like sum.

The impugned notice reflects that after being bound over, the said Gundeboina Manjula was implicated in COR No.581/2015-16 in relation to an offence under Section 7-A read with Section 8(e) of the A.P. Prohibition Act, 1995. Owing to her alleged involvement in the said offence, the second respondent concluded that she committed breach of the bond furnished by her under Section 110 Cr.P.C.

This Court is of the opinion that mere arraignment in an offence cannot be taken to be a conviction whereby it could be said that the accused had committed a breach of the bond furnished by her for maintaining good behaviour.

Thus, on this count, the impugned notice dated 30.11.2015 is unsustainable and is therefore set aside. As a consequence, the detention of Gundeboina Manjula owing to the failure to pay the amount of penalty would also be rendered illegal.

The writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

22nd December, 2015

Note:-

Issue CC today.

B/o

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