

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.41435 of 2015

ORDER:

The challenge in this writ petition is to the proceedings dated 18.11.2015 issued by the Tahsildar and Mandal Executive Magistrate, Palvanha, the third respondent. By the said proceedings, the third respondent exercised powers under Section 122(b) Cr.P.C. and ordered the petitioner to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 28.09.2015 for a like sum.

The impugned proceedings reflect that after being bound over, the petitioner was implicated in COR No.497/2015-16 in relation to an incident which occurred on 21.10.2015. Owing to the alleged involvement of the petitioner in the said offence, the third respondent concluded that it was a proved misconduct and a willful breach and violation of the bond furnished by the petitioner 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 petitioner had committed a breach of the bond furnished by her for maintaining good behaviour.

Thus, on this count, the impugned proceedings dated 18.11.2015 are unsustainable and are therefore set aside.

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

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