

***THE HON'BLE SRI JUSTICE SANJAY KUMAR***

**WRIT PETITION No.41700 of 2015**

**ORDER:**

The challenge in this writ petition is to the notice dated 30.09.2015 issued by the Tahsildar and Executive Magistrate, Anumula Mandal, Nalgonda District, the third respondent. By the said notice, the third respondent seems to have exercised powers under Section 122(b) Cr.P.C. and ordered the petitioner to pay a sum of Rs.1,00,000/-. This payment appears to have been directed in the context of the petitioner being bound over for good behaviour.

The impugned notice is completely bereft of reasons and is demonstrative of total non-application of mind by the third respondent. There is no indication as to how the petitioner has committed a breach of the bond given by him and there is not even a whisper of his having committed an offence after giving such a bond whereby he could be required to pay the amount covered by the said bond. Further, even if the petitioner was involved in any offence, mere arraignment therein cannot be taken to be equivalent to a conviction whereby it could be said that the petitioner had committed a breach of the bond furnished by him for maintaining good behaviour.

Thus, on counts more than one, the impugned notice dated 03.09.2015 is unsustainable and is 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.

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**JUSTICE SANJAY KUMAR**

23<sup>rd</sup> December, 2015

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