

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40163 of 2015

ORDER:

The challenge in this writ petition is to the notice dated 28.10.2015 issued by the Executive Magistrate, Anumula, Nalgonda District, the third respondent. By the said notice, the third respondent exercised powers under Section 122(b) Cr.P.C. and ordered the petitioner to pay a sum of Rs.2,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 30.09.2015 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in COR No.520/2015-16 in relation to an offence under Section 34(e) of the Andhra Pradesh Excise Act, 1968. Owing to the alleged involvement of the petitioner in the said offence, the third respondent concluded that the petitioner committed breach of the bond furnished by him 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 him for maintaining good behaviour.

Thus, on this count, the impugned notice dated 28.10.2015 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.

JUSTICE SANJAY KUMAR

10th December, 2015

GJ