

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 22911 of 2016

ORDER :

Heard both sides. With the consent of both the counsel, the Writ Petition is being taken up for disposal at the stage of admission.

2. Challenge in this Writ Petition is to the notice dated 19.05.2016 issued by the second respondent. By the said notice, the second respondent exercised powers under Section 122 (b) of the Code of Criminal Procedure, 1973 (for short, '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 16.04.2016 for a like sum.

3. The impugned notice reflects that after being bound over, the petitioner was implicated in COR No.26/2016-17 of Prohibition and Excise Station, Araku, in relation to an offence under Section 7(A) read with 8 (e) of the Andhra Pradesh Prohibition Act, 1995. Owing to the alleged involvement of the petitioner in the said offence, the second respondent concluded that the petitioner committed breach of the bond furnished by him under Section 110 Cr.P.C.

4. 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 bond furnished by him for maintenance of good behaviour. Thus, on this count, the impugned notice dated 19.05.2016 is unsustainable and is, therefore, set aside.

5. The Writ Petition is accordingly allowed. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

14.07.2016
DRK

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