THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9363 of 2016

O R D E R

The challenge in this writ petition is to the notice dated 27.02.2016 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 Mateti Raju, S/o Nagaiah, who is stated to be the son of the petitioner, to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the said Mateti Raju being bound over for good behaviour on 17.12.2015 for a like sum.

The impugned notice reflects that after being bound over, the said Mateti Raju was implicated in COR No.57/2016 in relation to an offence under Section 7(A) read with Section 8(e) of the A.P. Prohibition Act, 1995. Owing to his alleged involvement in the said offence, the second respondent concluded that he 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 accused had committed a breach of the bond furnished by him for maintaining good behaviour.

Thus, on this count, the impugned notice dated 27.02.2016 is unsustainable and is therefore set aside. As a consequence, the detention of Mateti Raju 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.

SANJAY KUMAR, J

21st MARCH, 2016

Note: Issue C.C. today.

B/o Svv