

THE HON'BLE SRI JUSTICE PRAVEEN KUMAR

WRIT PETITION No.21028 of 2016

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ORDER:

The challenge in this writ petition is to the notice dated 18.05.2016 issued by the Executive Magistrate and Tahsildar, Bichkunda Mandal, Nizamabad - the second respondent. By the said notice, the second respondent exercised powers under the provisions of Section 122 of 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 21.11.2015 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.61/2016 in relation to an offence under Section 34(a) and Section 37-A(3) of the A.P. Excise Act, 1968. Owing to the alleged involvement of the petitioner in the said offence, the second respondent concluded that the accused 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 her for maintaining good behaviour.

Thus, on this count, the impugned notice dated 18.05.2016 is unsustainable and is therefore set aside.

Accordingly, 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 C.PRAVEEN KUMAR

29th June, 2016

VHB