

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.1022 OF 2016

ORDER

The challenge in this writ petition is to the notice dated 17.12.2015 issued by the Executive Magistrate, Kodad Mandal, Nalgonda District, the third respondent. By the said notice, the third respondent 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 30.09.2015 for a like sum.

The impugned notice reflects that after being bound over, the petitioner implicated in Crime No.310/2015 in relation to an offence under Sections 20(1) and 23 of the Cigarette and other Tobacco Products Act, 2003. 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.

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 17.12.2015 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.

SANJAY KUMAR, J

07th JANUARY, 2016

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