

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1381 of 2016

ORDER:

The challenge in this writ petition is to the notice dated 11.12.2015 issued by the Executive Magistrate, Mahabubnagar, 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.1,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 29.10.2015 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in PCOR No.982/2015-16 in relation to an offence under Section 7(A) read with Section 8(e) of the Prohibition Act, 1995. 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 11.12.2015 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.

JUSTICE SANJAY KUMAR

20th January, 2015
GJ