

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10088 OF 2016

ORDER

The challenge in this writ petition is to the notice dated 17.03.2016 issued by the Tahsildar and Executive Magistrate, Thorrur Mandal, Warangal District, the second respondent. By the said notice, the second respondent exercised powers under Section 122(b) Cr.P.C. and ordered one Bhukya Narshimha, S/o. Nanu, who is relative of the petitioner, to pay a sum of Rs.1,00,000/-. This payment was directed in the context of Bhukya Narshimha being bound over for good behaviour on 03.12.2015 for a like sum.

The impugned notice reflects that after being bound over, Bhukya Narshima was implicated in COR No.121/2016 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 17.03.2016 is unsustainable and is therefore set aside. As a consequence, the detention of Bhukya Narshimha 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

28th MARCH, 2016

Note: Issue C.C. today.

B/o Svv