

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14007 of 2016

ORDER:

The challenge in this writ petition is to the notice dated 30.03.2016 issued by the Tahsildar & Mandal Executive Magistrate, Warangal, the second respondent. By the said notice, the second respondent exercised powers under Section 122(b) Cr.P.C. and ordered one Mateti Vimala, who is the mother of the petitioner, to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the said Mateti Vimala being bound over for good behaviour on 25.02.2016 for a like sum.

The impugned notice reflects that after being bound over, the said Mateti Vimala was implicated in an excise offence as per the report dated 14.03.2016 of the Station House Officer, Prohibition and Excise Station, Warangal Rural. Owing to her alleged involvement in the said offence, the second respondent concluded that she committed breach of the bond furnished by her 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 her for maintaining good behaviour.

Thus, on this count, the impugned notice dated 30.03.2016 is unsustainable and is therefore set aside. As a consequence, the detention of Mateti Vimala owing to the failure to pay the amount of penalty would also be rendered illegal. The respondent authorities shall forthwith release the detenu.

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

22nd April, 2016

Note:-

Issue CC today.

B/o

PGS/IBL