

***THE HON'BLE SRI JUSTICE SANJAY KUMAR***

**WRIT PETITION No.13670 of 2016**

**ORDER:**

The challenge in this writ petition is to the notice dated 18.04.2016 issued by the Tahasildar and Executive Magistrate, Pitlam Mandal, Nizamabad District, 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 13.04.2016 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.87/2016 dated 13.04.2016 in relation to an offence under Section 34(a) of the AP Excise Act. 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 18.04.2016 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**

22<sup>nd</sup> April, 2016  
PGS/GJ