

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1651 of 2016

ORDER:

The challenge in this writ petition is to the proceedings dated 18.01.2016 issued by the Executive Magistrate and Tahsildar, Warangal Mandal, Warangal District, the second respondent. By the said proceedings, the second 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 05.12.2015 for a like sum.

2. The impugned proceedings reflect that after being bound over, the petitioner was implicated in COR No.732/2015-16 in relation to an offence under Section 7-A A read with Section 8(e) of the A.P. Prohibition Act, 1995. Owing to the alleged involvement of the petitioner in the said offence, the second respondent concluded that the petitioner committed breach of the bond furnished by her under Section 110 Cr.P.C.

3. 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 her for maintaining good behaviour.

4. Thus, on counts more than one, the impugned proceedings dated 18.01.2016 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

January 21, 2016

LMV