

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.16627 of 2016

ORDER:

-

The challenge in this writ petition is to the notice dated 10.05.2016 issued by the Executive Magistrate, Balanagar Mandal, Mahabubnagar District, the 3rd respondent.

By the impugned notice, the 3rd respondent had exercised powers under Section 122(b) of Criminal Procedure Code (for short, 'the Code') and ordered the petitioner to pay the penalty in a sum of Rs.2,00,000/- (Rupees two lakhs only). This payment was directed in the context of the petitioner being bound over for good behaviour on 10.05.2016 for a period of one year for a like sum. The notice impugned states that after being bound over, the petitioner was involved in a crime in relation to offences punishable under Section 7(A) read with Section 8(e) of the Andhra Pradesh Prohibition Act, 1995, Section 34(e) of Andhra Pradesh Excise Act, 1968 and clause (3) of GUR (Regulation of use) Rules, 1968. Owing to the alleged involvement of the petitioner in the said offences, the 3rd respondent concluded that the petitioner had committed breach of the bond furnished by him under Section 110 of the Code.

This Court is of the opinion that mere arraignment as an accused in an offence cannot taken to be a conviction and whereby it could be said that the petitioner had committed breach of the bond furnished by him for maintaining good behaviour.

Thus, on the counts stated supra, the impugned notice dated 10.05.2016 is unsustainable and is, therefore, set aside.

Accordingly, this writ petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M. SEETHARAMA MURTI, J

26th May, 2016
ska