

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11078 of 2016

ORDER:

The challenge in this writ petition is to the notices dated 27.02.2016 issued by the Tahsildar and Executive Magistrate, Madnoor Mandal, Nizamabad District, the third respondent. By the said notices, the third respondent exercised powers under Section 122(b) Cr.P.C. and ordered the petitioners to pay a sum of Rs.1,00,000/- each. This payment was directed in the context of the petitioners being bound over for good behaviour on 29.01.2016 for a like sum each.

The impugned notices reflect that after being bound over, the petitioners were implicated in Crime No.18 of 2016 in relation to an offence under Section 34(a) of the A.P. Excise Act, 1968. Owing to the alleged involvement of the petitioners in the said offence, the third respondent concluded that the petitioners committed breach of the bonds furnished by them 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 petitioners had committed a breach of the bond furnished by them for maintaining good behaviour.

Thus, on this count, the impugned notices dated 27.02.2016 are unsustainable and are 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

4th April, 2016

Note:-

Issue CC today.

(B/o)IBL