

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.5038 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the Government Pleader for Prohibition & Excise appearing for the respondents.

2. The petitioner has challenged the proceedings dated 2.2.2017 in M.C. No.152 of 2015 of the 2nd respondent exercising powers under Section 122 (b) of the Code of Criminal Procedure directing the petitioner to pay Rs.10 lakhs on the ground that the petitioner had executed a bond on 24.9.2016 as security for good behaviour, but subsequently he was implicated in COR.No.24/2017, dt. 25.1.2017 by the 3rd respondent. Owing to the alleged involvement of the petitioner in the said offence, the 2nd respondent concluded that the petitioner had committed breach of bond furnished by him under Section 110 of the Code of Criminal Procedure.

3. In a similar situation, this Court on 15.2.2016 in W.P. No.4802 of 2016 held 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 bond furnished by him for maintaining good behaviour. It had set aside the notice impugned by the petitioner therein on the said ground.

4. For reasons alike, even in the present case, mere involvement of the petitioner in COR No.24/2017 cannot be treated as committing of breach of bond furnished by him.

5. Therefore, the impugned notice is hereby set aside and the Writ Petition is allowed. No order as to costs.

As a sequel, miscellaneous petitions if any pending in the writ petition shall stand closed.

Dt. 14.02.2017
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M.S. RAMACHANDRA RAO,J

