

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17089 OF 2017

ORDER:

The challenge in this writ petition is to the notice in MC.B/1791/2016, dated 03.05.2017, issued by the Special Executive Magistrate, Hyderabad District, Hyderabad, the second respondent. By the said notice, the second respondent exercised powers under Section 122(1)(b) Cr.P.C. and ordered one Kuldeep Singh, who stood as surety to the petitioner, to pay a sum of Rs.80,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 16.10.2016 for a like sum.

2. The impugned notice reflects that after being bound over, the petitioner committed the offence of sale of illicitly distilled country liquor in a crude and unscientific method, which is unfit for consumption and could also be lethal if consumed. Owing to the alleged involvement of the petitioner in the said offence, the second respondent concluded that he committed breach of the bond furnished by him 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 him for maintaining good behaviour.

4. Thus, on this count, the impugned notice, dated 03.05.2017, is unsustainable and is, therefore, set aside.

5. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 06.06.2017
AMD



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