

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.16883 OF 2017

ORDER.

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

The petitioner has challenged the proceedings dated 26-4-2017 in M.C.No.4200/2017 of the 3rd respondent directing the petitioner to pay Rs.2 lakhs on the ground that the petitioner had executed a bond on 23rd September, 2016 as security for good behavior, but subsequently he was implicated in COR No.121/2017 dated 22-4-2017 by the 3rd respondent. Owing the alleged involvement of the petitioner in the said offence, the 3rd respondent concluded that the petitioner had committed breach of bond furnished by her under Section 110 of the Code of Criminal Procedure.

In a similar situation, this court on 15-2-2016 in W.P.No.4802 of 2016 held that mere arraying as an accused 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 behavior. It had set aside the notice impugned by the petitioner therein on the said ground.

For reasons alike, even in the present case, mere involvement of the petitioner in COR No.121/2017 cannot be treated as committing of breach of bond furnished by him.

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

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 11-5-2017.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



WRIT PETITION No.16883 OF 2017

Dated 11-5-2017

Dvs