

THE HON'BLE SRI JUSTICE RAJA ELANGO

W.P. No.20382 of 2017

ORDER

The challenge in this writ petition is to the Notice in Mc.No.C/09/2017, dated 5.6.2017 issued by the Executive Magistrate and Tahsildar, Dharmaram Mandal, the 3rd respondent. By the said notice, the 3rd respondent ordered the petitioner to pay a sum of Rs.2,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 11.1.2017 for a like sum.

2. The impugned notice reflects that after being bound over, the petitioner committed the offence under Section 34(e) of A.P. Excise Act. Owing to the alleged involvement of the petitioner in the said offence, the 3rd respondent concluded that he committed breach of the bond furnished by him.

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 5.6.2017, 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 in this matter, if any, shall stand closed.

22nd June, 2017

skmr

JUSTICE RAJA ELANGO

