

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18011 of 2017

ORDER:

The challenge in this writ petition is to the order bearing No.A/05/2017 dated 24.05.2017 issued by the Tahasildar & Mandal Executive Magistrate, Bommalaramaram, Bhongir, Nalgonda District - the fourth respondent. By the said order, the fourth respondent exercised powers under the provisions of Section 122 of the Code of Criminal Procedure and ordered the petitioner to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 04.05.2017 for a like sum.

The impugned order reflects that after being bound over, the petitioner was involved in COR No.33/2017 in relation to an offence under Section 7(A) read with Section 8(e) of T.S. Prohibition Act, 1995, and Section 34 (e) of T.S. Excise Act, 1968. Owing to the alleged involvement of the petitioner in the said offence, the fourth respondent concluded that the accused has committed breach of the bond furnished by her under Section 110 Cr.P.C.

This Court is of the view that mere arraignment in an offence cannot be taken to be a conviction whereby it could be said that the petitioner had committed breach of the bond furnished by her for maintaining good behaviour. Thus, on this count, the impugned order dated 24.05.2017 is unsustainable and is therefore set aside.

Accordingly, the writ petition is allowed.

Miscellaneous petitions pending in this Writ Petition, if any,
shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

14th June, 2017
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