

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42120 of 2017

ORDER:

In this writ petition, the challenge is to the notice, dated 15.12.2017, issued by the Tahsildar & Executive Magistrate, Mellacheruvu, the second respondent. By the said notice, the said Executive Magistrate ordered the petitioner to pay a sum of Rs.1,00,000/-, that is, the amount of the bond for which the petitioner bound himself for his good behaviour and in the alternative directed the petitioner to show cause within fifteen (15) days as to why he should not be adjudged for imprisonment until the expiry of the bond period.

The impugned notice reflects that after being bound over, the petitioner was involved allegedly in a case in crime No.196 of 2017 of Prohibition & Excise Station, Huzurnagar. 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. 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. Thus, on this count, the impugned notice, dated 15.12.2017, is unsustainable and is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned notice, dated 15.12.2017, is set aside.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 13.12.2017

Note: Issue CC by 14.12.2017

(B/o)

Vjl