

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44275 of 2017

ORDER:

The challenge in this writ petition is to the notices, dated 07.12.2017, issued by the Executive Magistrate & Tahsildar, Kodad Mandal (2nd respondent). By the said notices, the 2nd respondent exercised powers under Section 122(b) Cr.P.C. and ordered the petitioners to pay a sum of Rs.1,00,000/-. The payment was directed in the context of the petitioners being separately bound over for good behaviour on various dates for a like sum.

2. I have heard the submissions of Sri *Praveen Kumar Veerjala*, learned counsel appearing for the petitioners, learned Government Pleader for Prohibition and Excise appearing for the respondents 1 & 2, and of the learned Government Pleader for Home appearing for the 3rd respondent. I have perused the material record.

3. The impugned notices reflect that after being bound over, the petitioners were stated to have involved in various crimes punishable under Section 273 of the Indian Penal Code, and Section 24(i) of the Cigarette and Other Tobacco Products Act, 2003. Owing to the alleged involvement of the petitioners in the said respective offences, the 2nd respondent concluded that the petitioners committed breach of the bonds furnished by them under Section 110 of Cr.P.C.

4. This Court is of the opinion that mere allegation of involvement of the petitioners in various crimes and their arraignment as accused in various crimes cannot be taken to be convictions whereby it could be said that the petitioners had committed breaches of the bonds furnished by them for maintaining good behaviour.

5. Thus, on this count, the impugned notices, dated 07.12.2017, are unsustainable and are, therefore, set aside. As a sequel, the demands for penalties also stand vitiated.

6. The Writ Petition is, accordingly, allowed.

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

JUSTICE M. SEETHARAMA MURTI

Date: 26th December, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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