

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.41042 of 2017

ORDER:

In this writ petition, the challenge is to the notice, dated 14.11.2017, issued by the Executive Magistrate and Tahsildar, Hasanparthy Mandal, Warangal (Urban) District, the second respondent. By the said notice, the second respondent exercised powers under Section 122 (b) Cr.P.C. and ordered the petitioner to pay a sum of Rs.1,00,000/- as penalty or to show cause within seven days as to why he should not be adjudged for imprisonment. The said payment/penalty was directed in the context of the petitioner being bound over for good behaviour on 18.03.2017 for a likesum.

The impugned notice reflects that after being bound over, the petitioner was involved allegedly in a case in COR No.202/ 17 in relation to an offence under Section 7(A) read with Section 8(e) of the Andhra Pradesh Prohibition Act, 1995. Owing to his alleged involvement 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 14.11.2017 is unsustainable and is therefore set aside.

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.

M. SEETHARAMA MURTI, J

Date: 06.12.2017
Note: Issue CC today
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