

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42078 of 2017

ORDER:

In this writ petition, the challenge is to the notice/proceedings No.37 of 2017 of the Tahsildar & Mandal Executive Magistrate, Burgampahad, third respondent. By the said notice/proceedings, the said Executive Magistrate while exercising the powers under Section 122 (B) Cr.P.C. ordered the petitioner to pay a sum of Rs.25,000/-, that is, the amount of the bond for which the petitioner bound herself for her good behaviour, within one week from the date of service of the said order. It is stated in the said proceedings that in case of non compliance of the afore-said order, the petitioner is liable to be committed to prison.

The impugned proceeding/ notice reflects that after being bound over, the petitioner was involved allegedly in a crime, details of which are not even mentioned therein. Owing to the alleged involvement of the petitioner in the said offence, the 3rd respondent concluded that she committed breach of the bond furnished by her. 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 her for maintaining good behaviour. Thus, on this count, the impugned proceeding/ notice, dated 16.11.2017, is unsustainable and is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned proceeding/ notice, dated 16.11.2017, 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