

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.44373 of 2017

ORDER:

In this writ petition, the challenge is to the notice, dated 29.11.2017, issued by the Executive Magistrate, Garidepally, the second respondent herein.

A perusal of the impugned notice would show that by the said notice, the Executive Magistrate, while forfeiting the bond of the sureties, Banothu Venkateshwarlu & K. Venkateshwarlu, for a sum of Rs.1,00,000/-, furnished by the said sureties, required the sureties to pay the said penalty of Rs.1,00,000/- or to show cause to the said Executive Magistrate within 14 days as to why the same should not be paid and further directed to cause production of the person for whom they stood as surety, Banothu Upendra, before the said authority. The said bond of the sureties was forfeited for the reason that the petitioner-accused, for whom the said surety was offered, committed breach of the bond and committed an offence punishable under Section 7(A) read with 8(e) of Prohibition Act, 1995, and that a case in C.O.R.No.180 of 2017 was registered against him.

This Court is of the opinion that mere arraignment of the petitioner as an accused in a crime for the afore-stated offences cannot be taken to be conviction whereby it can be said that the petitioner had committed breach of the bond furnished by him for maintaining good behaviour. Thus, on this count, the impugned notice, dated 29.11.2017, is unsustainable and is, therefore, liable to be set aside.

The writ petition is, accordingly, allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

26.12.2017

Note:- Issue CC tomorrow.

(B/o)

Vjl

