

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO.17139 OF 2017

ORDER:

The challenge in this Writ Petition is to the notice dated 27.04.2017 issued by the second respondent-Executive Magistrate/Tahsildar, Mattampally Mandal, Nalgonda District. By the said notice, the second respondent exercised powers under Section 122(b) of the Code of Criminal Procedure (Cr.P.C.) and ordered the petitioner to pay a sum of Rs.1,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 30.12.2016 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in COR No.70/2017 in relation to an offence under Section 34(e) of the A.P. Excise Act, 1968. 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 under Section 110 Cr.P.C.

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 27.04.2017 is unsustainable and is, therefore, set aside.

The Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.V.SESHA SAI, J)

7th June 2018
RRB