

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40593 OF 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of *Mandamus* declaring the action of respondents 3 to 5 in illegally detaining the petitioner's wife viz. Gadadesi Devi under the guise of the notice under Section 122I(B) of Cr.P.C dated 22.8.2017 in M.C.No.70 of 2017, as illegal and arbitrary.

2. When the matter is taken up for hearing, learned counsel for the petitioner would submit that in similar circumstances, this Court, vide order dated 11.10.2018, allowed W.P.No.37201 of 2018. Hence, he prays for disposal of this writ petition on the same lines as that of W.P.No.37201 of 2018. The same is not opposed by the learned Government Pleader for Prohibition and Excise (T.S).

3. In view of the above submission, following the order dated 11.10.2018, passed by this Court in W.P.No.37201 of 2018, this writ petition is allowed in terms thereof, by setting aside the order in M.C.No.70 of 2017, dated 22.08.2017, of the Tahsildar-cum-Executive Magistrate, Burgampahad Mandal, Bhadradi, Kothagudem District – respondent No.2. However, this order shall not preclude the respondents from enforcing the bond, in the event the petitioner is convicted of the alleged offence at a later point of time.

4. Office to enclose a copy of the order, dated 11.10.2018, passed in W.P.No.37201 of 2018.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date:14.12.2018
Gk

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