

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.46723 OF 2018

ORDER:-

The challenge in this writ petition is to the notice *vide* MC.No.B/1217/2018, dated 04.12.2018, issued by the Executive Magistrate and Tahsildar, Chinthalapalem/respondent No.2 herein. By the said notice, respondent No.2 exercised powers under the provisions of Section 122 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 04.12.2018 for a like sum.

2. The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.143 of 2018 of Chinthalapalem Police Station on 31.10.2018 for the offences punishable under Sections 341 and 188 I.P.C. and Section 30 of the Police Act. Owing to the alleged involvement of the petitioner in the said offences, respondent No.3 concluded that the accused committed breach of the bond furnished by him under Section 110 Cr.P.C.

3. 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.

4. Thus, on this count, the impugned notice *vide* MC.No.B/1217/2018, 04.12.2018, issued by the Executive Magistrate and Tahsildar, Chinthalapalem/respondent No.2 is

unsustainable and is, therefore, set aside. However, this order will not preclude the authorities from proceeding further in the matter.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date: 24.12.2018
AMD



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