

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 396 of 2019

ORDER:

The challenge in this writ petition is to the notice dated 04.12.2018 issued by the Executive Magistrate & Tahsildar, Chinthalapalem Mandal, Suryapet District, the second respondent. By the said notice, the second respondent exercised powers under Section 122(b) 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 05.11.2018 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.193 of 2018 on the file of Chinthalapalem Police Station, in relation to the offence under Section 34(A) of the A.P. Excise Act. Owing to the alleged involvement of the petitioner in the said offence, the second respondent concluded that the petitioner 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 04.12.2018 is unsustainable and is therefore set aside.

The writ petition is allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs

A. RAJASHEKER REDDY, J

Date: 06.12.2019
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