

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.632 OF 2019

Date: 23.01.2019

Between:

Chittimalle Srinivas, s/o. Ramulu, Aged 32 years,
Occu: Kirana Shop Business, r/o. Venkatapur village,
Nangunoor Mandal, Siddipet district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Revenue Department, Secretariat Buildings,
Saifabad, Hyderabad and two others.

.....Respondents

The Court made the following:

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ORDER:

Notice of forfeiture of bond for good behaviour is challenged in this Writ Petition.

2. On 08.11.2018 petitioner entered into bond of security for good behaviour for a period of six months and bond himself in default therefore to forfeit sum of 1,00,000/-. It is alleged that petitioner committed breach of bond by committing an offence under Section 34-A of A.P.Excise Act, 1968 and Crime No.166/2018 was registered in Rajgopalpet Police Station. Taking note of the subsequent registration of crime, petitioner was required to pay penalty of 1,00,000/- or show cause within five days why he should not be adjudged for imprisonment until such bond period expires.

3. This order is primarily challenged on the ground that it was not preceded by prior notice and an opportunity, and the learned counsel for petitioner further submits that in the earlier decisions of this Court, similar orders are set aside on the ground that orders are not preceded by notice and an opportunity.

4. A reading of the order would show that no prior notice was issued and straightaway decision was taken as a consequent to the registration of crime.

5. It appears that no enquiry was conducted under Section 117 of Cr.P.C., before exercising power under Section 122 of Cr.P.C. Further, mere arraignment in a criminal case cannot be taken to be a conviction, whereby it could be said that the petitioner had

committed a breach of bond furnished by the petitioner for maintaining good behaviour. Having regard to the same, the order impugned is not sustainable and accordingly set aside. Writ Petition is accordingly allowed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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