

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.2077 of 2019

ORDER

This writ petition is filed challenging the notice vide MC.No.B/2813/2018, dated 21.01.2019, issued by the Executive Magistrate and Tahsildar, Mattampally Mandal, 2nd respondent herein. By the said notice, 2nd respondent exercised powers under the provisions of Section 122 Cr.P.C. and ordered the petitioner to pay a sum of Rs.2,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 29.12.2018 for a like sum.

2. The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.8 of 2019 of Prohibition and Excise Station, Huzurnagar on 11.01.2019 for the offences punishable under Section 7(A) read with Section 8 (e) of A.P. Prohibition Act (Telangana Adaption Order, 2015). Owing to the alleged involvement of the petitioner in the said offences, the 2nd respondent 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 as 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/2813/2018, dated 21.01.2019, issued by the 2nd respondent 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. Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed.

5th February, 2019

CHALLA KODANDA RAM, J

sj