

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2438 of 2019

Date : 8.2.2019

Between:

Gundala Manga Mangamma W/o Krishnaiah age 25 years
Occ Coolie Rio Annareddygudem Village Nalgonda Mandal
and District

Petitioner

And

The State of Telangana
Through Its Principal Secretary Home Department Office at
Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Home.

2. Petitioner is aggrieved by the notice issued on 6.12.2018 directing him to pay a penalty of Rs.1,00,000/- or show cause why it should not be adjudged for imprisonment till expiry of the bond period.

3. Earlier on 9.11.2018 petitioner entered into a bond of security for good behavior with a condition that in default of good behavior to forfeit sum of Rs.1,00,000/-.

4. The impugned notice is issued alleging that in violation of the bond of good behavior, petitioner committed another offence under section 34 (a) of the Excise Act vide Crime No. 280 of 2018 of Nalgonda Rural Police Station.

5. This Court consistently holds that merely because a person is involved in crime does not amount to guilty of the crime alleged and therefore the person cannot be penalized for forfeiture of bond amount and to impose penalty or to imprison him merely on that ground.

6. In view of the consistent view taken by this Court, impugned notice is liable to be set aside and accordingly the same is set aside. Accordingly, writ petition is allowed. However, this order does not come in the way of competent authority taking appropriate action as warranted by law against the petitioner. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:08-2-2019
TVK

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