

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 3033 of 2019

Date : 15.2.2019

Between:

Shaik Pakera S/o Lalu
Aged 40yrs Occ Coolie
R/o Ponugodu Village
Garidepally Mandal
Suryapet District

Petitioner

And

The State of Telangana
rep by its Principal Secretary Revenue Department Secretariat
Hyderabad Telangana State & 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 21.12.2018 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 12th September,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. 273 of 2018 of Garidepally 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: 15-2-2019
TVK

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