THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5417 OF 2019

ORDER

The challenge in this writ petition is to the notice dated 12.03.2019 issued by the Executive Magistrate, Kaghaznagar Mandal, Asifabad District, the third respondent. By the said notice, the third 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 22.01.2018 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.111 of 2018 on the file of Kaghaznagar Town Police Station in relation to the offences under Sections 273 and 188 IPC and Section 20(2) read with Section 7(2) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. Owing to the alleged involvement of the petitioner in the said offences, the third 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 12.03.2019 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.

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SANJAY KUMAR, J

14th MARCH, 2019

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HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD