

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5618 of 2019

ORDER:

The challenge in this Writ Petition is to the notice dated 28.11.2018 issued by the Tahsildar & Executive Magistrate, Karimnagar Rural Mandal, Karimnagar District, the second respondent. By the said notice, the second 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 10.10.2018 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.474 of 2018 on the file of Karimnagar Rural Police Station in relation to the offences under Section 354-A IPC and Section 12 of the Protection of Children from Sexual offences Act, 2012. Owing to the alleged involvement of the petitioner in the said offences, the second 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 28.11.2018 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.

19th MARCH, 2019

dr

SANJAY KUMAR, J

