

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5751 OF 2019

ORDER

The challenge in this writ petition is to the notice dated 08.03.2019 issued by the Executive Magistrate, Nalgonda Mandal, Nalgonda 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 13.11.2018 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in Crime No.275 of 2018 on the file of Nalgonda Rural Police Station in relation to the offence under Section 379 IPC. Owing to the alleged involvement of the petitioner in the said offence, 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 08.03.2019 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.

SANJAY KUMAR, J

19th MARCH, 2019

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