

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.10650 of 2019

ORDER:

The challenge in this writ petition is to the notices dated 21.05.2019 issued by the Executive Magistrate, Gundlapally Mandal, Nalgonda District, the third respondent. By the said notices, the third respondent exercised powers under Section 122(b) Cr.P.C. and ordered the petitioners to pay a sum of Rs.1,00,000/- each. This payment was directed in the context of the petitioners being bound over for good behaviour on 28.02.2019 and 04.01.2019 respectively for a like sum each.

The impugned notice reflects that after being bound over, both the petitioners were implicated in criminal cases in COR No.34 of 2019, dated 26.02.2019, and COR No.156 of 2018, dated 23.10.2018, respectively, on the file of the Prohibition & Excise Station, Devarakonda, in relation to the offence under Section 7(A) of the Prohibition Act, 1995. Owing to the alleged involvement of the petitioners in the said offence, the third respondent concluded that the petitioners committed breach of the bonds furnished by them 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 petitioners had committed a breach of the bond furnished by them for maintaining good behaviour.

Thus, on this count, the impugned notices dated 21.05.2019 are unsustainable and are 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

A. RAJASHEKER REDDY, J

Date: 06.12.2019
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