

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11771 OF 2019

DATED:17.06.2019

Between:

Meesala Laxmamma W/o.Narsaiah,
Aged 65 yrs, Occu : Coolie,
R/o.Choutapally Village, Mattampally Mandal,
Suryapet District.

.. Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Prohibition & Excise Department,
Secretariat, Hyderabad,
Telangana State and others

.. Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed challenging the notice vide M.C.No.A/9578/2018, dated 28.05.2019, issued by the Mandal Executive Magistrate & Tahsildar, Mattampally Mandal, Suryapet District, 4th respondent herein. By the said notice, 4th respondent exercised powers under the provisions of Section 122 Cr.P.C., and ordered the petitioner to pay a sum of Rs.2,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 31.08.2018 for like sum.

2. The impugned notice reflects that after being bound over, the petitioner was implicated in P.C.O.R.No.122/2019 of the Station House Officer, Prohibition & Excise, Huzurnagar on 21.05.2019 for the offences punishable under Section 7(A) r/w.8(e) of A.P. Prohibition Act (Telangana Adaption Order, 2015). Owing to the alleged involvement of the petitioner in the said offences, the 4th respondent concluded that the accused committed breach of the bond furnished by her under Section 110 Cr.P.C.

3. This Court is of the opinion that mere arraignment in an offence cannot be taken as conviction whereby it could be said that the petitioner had committed a breach of the bond furnished by her for maintaining good behaviour.

4. Thus, on this count, the impugned notice vide M.C.No.A/9578/2018, dated 28.05.2019, issued by the 4th respondent is unsustainable and is, therefore, set aside. However,

this order will not preclude the authorities from proceeding further in the matter.

5. Accordingly, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

17th June, 2019
Rds

