

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.27093 of 2019

ORDER:

The challenge in this writ petition is to the notice dated 03.12.2019 issued by the Tahsildar & Mandal Executive Magistrate, Wardhannapet, 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.2,00,000/-. This payment was directed in the context of the petitioner being bound over for good behaviour on 24.09.2019 for a like sum.

The impugned notice reflects that after being bound over, the petitioner was implicated in a criminal case in COR No.238 of 2019 on the file of the Prohibition & Excise Station, Wardhannapet. 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 03.12.2019 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

A. RAJASHEKER REDDY, J

Date: 06.12.2019
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