

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

CRL.A.No. 1341 of 2014

**AGAINST THE ORDER IN CRL.M.C.NO.57/14 IN S.C.NO.454/2011 OF SESSIONS COURT,
PATHANAMTHITTA**

APPELLANT(S)/ PETITIONERS :

- 1. SASI KUMAR, AGED 42 YEARS,
S/O.KUTTAPPAN, PAMALAPARAMBU VEETIL,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK, PATHANAMTHITTA.**
- 2. SURESH, AGED 39 YEARS,
S/O.SUKUMARAN, THAKADIYEL VEETIL,
KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK,
PATHANAMTHITTA.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S)/ STATE OF KERALA :

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH

**THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

P.BHAVADASAN, J.

Crl. Appeal No. 1341 of 2014

Dated this the 30th day of December, 2014.

JUDGMENT

This is a petition filed under Section 449(ii) of the Code of Criminal Procedure seeking to have the order dated 13.8.2014 in Crl.M.C. No. 57 of 2014 in S.C. 454 of 2011 on the file of the Sessions Court, Pathanamthitta set aside by which the petitioners were mulcted with the liability to pay Rs.50,000/- each as penalty.

2. It is not in dispute that the petitioners stood as sureties for the accused and since the accused jumped bail, proceedings have been initiated against the sureties. Proceedings against the petitioners continued and due to the non-responding to the notice, the court below went on to impose penalty on the petitioners.

3. Learned counsel for the petitioners now points out that subsequently the sureties were able to procure the presence of the accused and produced him before court and it

is quite improper to ask them to pay the entire amount even after they have successfully produced the accused before court.

4. There seems to be some substance in the contention of the petitioners. Now that the petitioners have been able to produce the accused before court and he was released on bail. In such circumstances, it is improper to impose huge penalty on the petitioners.

Therefore, this petition is disposed of by reducing the penalty to Rs.2,500/-. The petitioners shall pay Rs.2,500/- each as penalty within one month from today.

Sd/-

P.BHAVADASAN
JUDGE

sb.

The Sessions case number occurring in the 3rd line of paragraph 1 of the judgment dated 30/12/2014 in Crl.A.No.1341/2014 is corrected and substituted as "S.C.464 of 2011" instead of "S.C.454 of 2011", vide order dated 29/05/2015 in Crl.M.A.1066/2015 in Crl.A.No.1341/2014.

Sd/-
Registrar (Judicial)