

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

CRL.A.No. 348 of 2015

**THE ORDER OF SESSIONS COURT, KALPETTA IN CRL.M.C.NO.34/2014 IN
S.C.NO.11/2013 DATED 29.09.2014**

APPELLANT(S)/COUNTER PETITIONERS :

- 1. SULAIKA, AGED 43 YEARS,
W/O.YOOSAFF, CHATHALLOOR (HOUSE), MUTTIL (SOUTH),
VYTHIRI, WAYANADU.**
- 2. KHADEEJA, AGED 68 YEARS,
W/O.ABDULLA, CHATHALLOOR (HOUSE), MUTTIL (SOUTH),
VYTHIRI, WAYANADU**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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Crl.A.No. 348 of 2015

Dated this the 25th day of June, 2015

ORDER

Petitioners were the sureties of the accused in Sessions Case No. 11 of 2013 on the file of Sessions Court, Kalpatta. On the failure of the accused to appear before the court, the learned Magistrate recorded forfeiture of the bonds and issued notice to the petitioners to deposit the bond amount or appear and show cause why they should not be ordered to pay the bond amount as penalty. They did not appear. So, the learned Sessions Judge ordered them to pay the bond amount of Rs.20,000/- each as penalty. Legality of this order is challenged.

2. Heard.

3. It is not in dispute that the accused failed to appear before the trial court and in the proceedings under Section 446 Cr.P.C. the petitioners also failed to appear. I do not find anything wrong in the order passed by the Sessions Judge. Learned counsel submits that the penalty may be reduced in view of the fact that the accused subsequently surrendered before the court. Pursuant to the orders passed by this Court, the petitioners

have deposited Rs.10,000/- each in the trial court. I think to meet the ends of justice that is sufficient.

In the result, this Crl. Appeal is allowed in part. The penalty the petitioners have been ordered to pay is reduced to Rs.10,000/- each. The balance amount is remitted.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge