

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

CRL.A.No. 1733 of 2010

CRL.M.C.NO.2/2010 IN SC 96/2009 OF SESSIONS COURT, KALPETTA.
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APPELLANT(S)/COUNTER PETITIONERS NO.2 & 3:

- 1. BASHEER, S/O.KHADER,
CHERIKOLLY (HOUSE),
VARAMPATTA P.O., PADINJARATHARA,
WAYANADU.**
- 2. ABDU RAHIMAN, S/O.SALMIKOYA,
VEKKATTUPARAMBIL (HOUSE),
PADINJARATHARA, WAYANADU.**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

Crl.A. No.1733 of 2010

Dated this the 8th day of April, 2015

J U D G M E N T

The appellants were sureties of the accused in Sessions Case No.96/2009 on the file of the learned Sessions Judge, Kalpetta. On the failure of the accused to appear before the court, the learned Sessions Judge recorded forfeiture of the bonds and initiated proceedings against them under Section 446 Cr.P.C. They were ordered to pay the bond amount of Rs.25,000/- as penalty.

2. Heard.

3. There is no dispute that the accused failed to appear before the trial court, which was sufficient for the trial court to record forfeiture of the bond. There is no illegality in it. But having regard to the facts of the case, I am inclined to reduce the penalty by 50%.

In the result, the penalty the appellants have been ordered to pay is reduced to Rs.12,500/- (Rupees twelve thousand five hundred only) each. The balance is remitted.

If the appellants have deposited the whole amount, the excess of Rs.12,500/- (Rupees twelve thousand five hundred only) each will be refunded immediately to them.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

//True copy//

P.A. TO JUDGE

shg/