

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

CRL.A.No. 598 of 2011 ()

**AGAINST THE ORDER IN M.C.2/2011 IN SC 451/2009 OF ADDITIONAL SESSIONS
JUDGE-I,MAVELIKARA DATED 29-01-2011**

APPELLANTS/IST AND 2ND COUNTER PETITIONERS:

- 1. SAMUEL, S/O. NAINAN
VELIMUTTATHU VEETIL,
PERINGALA MURIYIL, KAYAMKULAM (DIED)**
- 2. ANNAMMA,W/O.SAMUEL,
VELIMUTTATHU VEETIL,
PERINGALA MURIYIL, KAYAMKULAM.**

BY ADV. SRI.R.GOPAN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI. GITHESH R.

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

CRL.A.No. 598 of 2011 ()

APPENDIX

APPELLANTS' ANNEXURES

**ANNEXURE A. COPY OF THE ORDER DATED 29.1.2011 IN M.C.NO.2/2011 IN SC
NO.451/2009 OF THE ADDITIONAL SESSIONS JUDGE-I, MAVELIKARA**

RESPONDENT'S ANNEXURES

NIL

//True copy//

P.A. TO JUDGE

Shg/

K. ABRAHAM MATHEW, J.

Crl.A. No.598 of 2011

Dated this the 16th day of January, 2015

J U D G M E N T

The appellants were sureties of the accused in S.C.No.451/2009 on the file of the Additional Sessions Judge-I, Mavelikara. On the failure of the accused to appear before the court, it recorded forfeiture of the bonds and proceeded against the appellants who are husband and wife. They did not show any cause for not realizing the bond amount from them. So the learned Sessions Judge directed them to pay the bond amount of Rs.25,000/- each as penalty. This is challenged mainly on the ground that they were not given sufficient time to produce the accused.

2. Heard.

3. It is not at all necessary for the court to grant time to sureties to produce the accused. The moment the accused failed to appear before the court the bonds executed by them stood forfeited. So I do not find any illegality in the order passed by the learned Sessions Judge.

4. During the pendency of the appeal the first appellant died. The second appellant who is his wife has filed an application to allow her to proceed with the appeal in her capacity as his legal heir also. It has been allowed.

5. It is submitted that the appellants are very poor and the amount ordered to be realized as penalty may be reduced. The fact that the husband of the second appellant is no more compels me to take a lenient view. The penalty imposed is reduced to Rs.7,500/- (Rupees seven thousand five hundred only) each.

In the result, this appeal is allowed in part. The penalty imposed on the appellants is reduced to Rs.7,500/- (Rupees seven thousand five hundred only) each. If the amount is not deposited within one month, the trial court shall take appropriate steps for its realization.

Sd/-
K. ABRAHAM MATHEW
JUDGE
//True copy//
P.A. TO JUDGE

shg/