

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

CRL.A.No. 1753 of 2011 ()

**AGAINST THE ORDER IN M.C.16/2010 IN SC 742/2003 OF ADDITIONAL SESSIONS
JUDGE FOR THE TRIAL OF ABKARI ACT CASES, NEYYATTINKARA DATED 27-01-2011**

APPELLANTS/RESPONDENTS:

- 1. BIJU, S/O. CHELLAPPAN NADAR
UTHIRA PETTIYIL VEEDU, NANNATTUKADAVU, VEMBAYAM DESOM
NEDUMANGAD TALUK.**
- 2. KRISHNAN KUTTY,S/O.PACHAN,
POOZHICKUNNIL VEEDU, KONCHERA, VEMBAYAM DESOM
NEDUMANGAD TALUK.**

BY ADV. SMT. SHAJIN S. HAMEED

RESPONDENT/PETITIONER:

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

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

SHG/

K. ABRAHAM MATHEW, J.

Crl.A.No.1753 of 2011

Dated this the 2nd day of February, 2015

J U D G M E N T

This appeal arises from the order passed by the Additional Sessions Judge for the Trial of Abkari Act Cases, Neyyattinkara under Section 446 Cr.P.C. in M.C. No.16/2010.

2. The appellants were sureties for the accused in Sessions Case No.742/2003. On the failure of the accused to appear before the court for five posting dates consecutively, on 18.11.2010 the learned Additional Sessions Judge being satisfied about the forfeiture of the bond recorded it and initiated proceedings against the appellants.

3. On getting notice in the M.C. the appellants appeared before the court, but they had no explanation to offer. But the learned Additional Sessions Judge took a lenient view and directed the appellants to pay only Rs.10,000/- each though the bond amount was Rs.25,000/- each. The order is challenged.

4. It is submitted that the appellants have deposited the amount.

5. There is no dispute that the accused absconded and the learned Additional Sessions Judge was right in proceeding against the appellants. The appellants who appeared before the court had no explanation to offer. I find no illegality or irregularity in the order passed by the learned Additional Sessions Judge.

6. The bond amount was Rs.25,000/- each. But the learned Additional Sessions Judge directed the appellants to pay only Rs.10,000/- each and the balance amount was remitted. No interference is called for. There is no merit in the appeal.

In the result, this appeal is dismissed.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

//True copy//

P.A. TO JUDGE

shg/