

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 3108 of 2010 ()

CRL.A 22/2009 of ADDITIONAL SESSIONS COURT, IRINJALAKUDA
CRMC 175/2008 of J.M.F.C., KODUNGALLUR

REVISION PETITIONER(S)/PETITIONERS:

1. SAMBAN, S/O.POOTHAPPADAM RAMAKRISHNAN
KARUMALLOOR VILLAGE, N.PARAVUR.
2. SATHYA DEVAN, S/O.NARAYANAN
PALAKKAPARAMBIL, ALANGAD N.PARAVUR.

BY ADV. SRI.PAUL VARGHESE

RESPONDENT(S):

STATE OF KERALA REP BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
10-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.3108 of 2010

Dated this the 10th day of December 2015

O R D E R

The revision petitioners are the counter petitioner Nos.2 and 3 in M.C. No.175 of 2008 on the files of the court of the Judicial Magistrate of First Class, Kodungallur. The revision petitioners were directed to pay a penalty of Rs.5,000/- by the learned Magistrate. In the appeal filed against the said order, the penalty was modified to Rs.2,000/-. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. The revision petitioners executed a bond for the

release of the accused in C.C. No.930 of 2006 on the files of the learned Magistrate on bail. Thereafter, the accused did not appear before the court below. In the said circumstances, the court below issued notice to the revision petitioners on being satisfied that the bail bond has been forfeited. The revision petitioners did not appear before the court below in response to the notice issued from the court below. They also did not submit any explanation to the show cause and in the said circumstances, the court below directed the revision petitioners to pay Rs.5,000/- as penalty.

4. The appellate court modified the said penalty to Rs.2,000/- each under Section 446(3) of the Code. Having gone through the order impugned, I am satisfied that the

order passed by the courts below awarding penalty on the revision petitioners does not warrant any interference by this court. The quantum of penalty issued by the appellate court also does not call for any interference by this Court.

In the result, this revision petition stands dismissed.

SD/
B.SUDHEENDRA KUMAR,
JUDGE

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PA to Judge