

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.777 of 2016

JUDGMENT:

1. This Criminal Appeal is filed by the appellants-sureties challenging the order dated 11.8.2015 passed in NDPS SC No.15 of 2014 by the I Additional Sessions Judge, East Godavari District, Rajahmundry.

2. It is stated that the appellants stood as sureties to A1, A2 and A4 in the above Sessions Case for their appearance before the Court below and in default of the appearance of the above accused, the appellants bound themselves to forfeit to Government a sum of Rs.10,000/- each under each bond. As the accused in the above Sessions Case failed to attend before the Court below, on 11.8.2015, the appellants were directed to pay the said penalty or show cause on or before 16.9.2015 as to why payment of the said sum should not be enforced against them. Subsequently, the learned I Additional Sessions Judge issued a Warrant of attachment against the sureties directing the Tahsildar concerned to attach the properties of the appellants for recovery of the amount covered under the surety bonds. Aggrieved by the same, the appellants filed this appeal.

3. Heard and perused the material available on record.

4. After hearing the arguments of both the Counsel, when this Court informed that the order passed by the trial Court is in accordance with law, the learned Counsel for the appellants submitted that the accused persons, for whom the appellants stood as guarantors were subsequently arrested and warrants against the accused were recalled and the accused are appearing before the Court below regularly. The learned Counsel for the appellants prayed for reducing the surety amount, which is to be forfeited as per the order of the Court below.

5. Considering the facts and circumstances of the case and the submissions made by the learned Counsel for the appellants, the appellants are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) each in lieu of each bond of Rs.10,000/- executed by them. On such payment, the order passed by the Court below dated 11.8.2015 and the consequential orders shall stand cancelled.

6. Accordingly, the Criminal Appeal is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Dated: 22th August, 2016

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