

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1448 of 2017

Navab Ali S/o Salimuddin, Aged About 65 Years R/o Narayanpur,
Police Station & Tahsil Ramanuj Nagar, District Surajpur
Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through District Magistrate Surajpur District
Surajpur Chhattisgarh.

---- Respondent

For appellant - Shri Raj Kumar Pali, Advocate.
For Respondent/State –Shri Ramakant Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/09/2017

1. This instant appeal is against the order dated 3/07/2017 passed by the Special Judge (NDPS) Act, Surajpur in Special Criminal Case No.56/2013 wherein appellant stood surety for accused Salat Mohammad.
2. It is contended that the main accused Salat Mohammad was enlarged on bail in Criminal Appeal No.475/2014 on 4/08/2017 and his substantive jail sentence was directed to be suspended on furnishing surety and bail bond of Rs.25,000/- to the satisfaction of the trial court. Subsequently, such bail bond and surety was furnished and jail sentence of Salat Mohammad in Criminal Appeal No.475/2014 was suspended on 4/08/2017. Since main accused failed to appear before the Registry of this court in the consecutive dates, eventually his bail bond was cancelled on 1/05/2017. Pursuant to that recovery have been issued against the present appellant who stood surety. It is contended that the accused himself absconded and the appellant was not able to trace him out and when recovery notice of Rs.25,000/- was issued, present appellant who

stood as surety he has already deposited Rs.5000/- vide Annexure A-5 and he prays that recovery amount may kindly be reduced.

3. Perused the memo of appeal. Considering the reasons stated in this memo of appeal, taking into fact that amount of Rs.5000/- has been deposited as against the notice of recovery of Rs.25,000/- and also considering the facts of the case, it is observed that on deposit of another Rs.5000/- the recovery part of the rest of the amount Rs.15000/- shall not be executed.

4. In the result, appeal is partly allowed. Recovery amount of forfeited bond from the appellant is reduced to Rs.10,000/- from Rs.25,000/- and the recovery of rest of the amount is remitted.

Sd/-

(Goutam Bhaduri)

JUDGE