

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1764 of 2017**

- Puneet Sahu S/o Ramji Sahu, R/o Gullu, P. S. Arang, District Raipur Chhattisgarh, Presently Resides At Durga Nagar, Beergaon, P. S. Urla, Raipur Chhattisgarh

---- **Petitioner****Versus**

- State of Chhattisgarh Through The District Magistrate Raipur Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri N. Naha Roy, Advocate
For Respondent-State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/02/2018**

1. The instant petition is against the order dated 24.08.2017, whereby an amount of Rs.20,000/- has been directed to be forfeited from the bail bond.
2. Learned counsel for the petitioner submits that the facts of this case would suggest that on 21.08.2017 when the case was fixed for evidence, some bereavement happened in the family of the petitioner as such application for exemption was filed. Subsequently, date was given on 22.08.2017, thereafter on that date also an application was filed for exemption under Section 317 of the Cr.P.C. since the bereavement in the family continued, however, the same was dismissed and the warrant was issued and the case was fixed for 07.09.2017. Thereafter, on 24.08.2017 in the intervening date the petitioner appeared and filed application for cancellation of the arrest warrant, which was decided and an amount of Rs.20,000/- was directed to

be forfeited from the bail bond. It is contended that the said amount is exorbitant in the facts and background of this case. Accordingly, the same may be modified as it has caused failure of justice.

3. Perused the respective order dated 21.08.2017 and the application filed on the same date under Section 317 of the Cr.P.C. wherein the reasons have been assigned that some bereavement in the family of the petitioner has taken place and the order-sheet would show that the case was fixed for 22.08.2017. On 22.08.2017 the similar application was again filed on the ground that the last rituals and other activities have to be carried out because of the death in the family. Therefore, the petitioner failed to appear and date was prayed for and the same was rejected and the warrant was issued. Thereafter, in the intervening period of 24.08.2017 an application was preferred on behalf of the petitioner and again request was made to cancel the warrant and the Court on such application has directed for forfeiture of Rs.20,000/- from the bail bond.
4. Perusal of the application under Section 317 Cr.P.C. would show that the reasons have been stated that the bereavement in the family of the petitioner occurred on 21.08.2017 which also continued on 22.08.201, on which date the Court has issued the warrant. Therefore, in the opinion of this Court sufficient reasons existed for non-appearance of the petitioner/accused as the social fabric of India cannot be given a go by on technical aspect. As a result, when the application was filed on 24.08.2017 in the intervening date consequently the order of the Court for forfeiture of Rs.20,000/- appears to be too high and exorbitant in the background and facts of this case. Considering the reasons stated in the application since the bereavement in the family taken place, forfeiture of the amount of Rs.20,000/- which has been ordered by the Court is set aside. It is directed

that if the amount has been deposited, the same shall be refunded back to the petitioner.

5. With such observation, the CRMP stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu