

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN

FRIDAY, THE 30TH DAY OF MARCH 2012/10TH CHAITHRA 1934

Crl.Rev.Pet.No. 765 of 2012 ()

CRA.428/2011 of COURT OF SESSIONS (ADHOC)-II, MANJERI
MC.19/2011 of J.M.F.C.-II, PERINTHALMANNA

REVISION PETITIONER(S)/APPELLANTS/COUNTER PETITIONERS :-

1. RAJESH
S/O. UTHALAKANDI APPUTTY, THRIKKALANGODE
P.O. THRIKKALANGODE, MANJERI, MALAPPURAM DISTRICT.
2. HARIPRASAD
S/O. UTHALAKANDI NEELANDAN, THRIKKALANGODE
P.O. THRIKKALANGODE, MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.K.VIDYASAGAR

RESPONDENT/PETITIONER :-

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 30-03-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

jvt

N.K.BALAKRISHNAN, J.

Crl.R.P. No.765 of 2012

Dated this the 30th day of March 2012

O R D E R

Petitioners are the sureties of the first accused in C.C.No.169/2009 on the file of J.F.C.M.-II, Perinthalmanna, where the accused stood charged for the offence punishable under Sec.379 r/w 34 IPC. The petitioners herein executed the bond pursuant to which the accused therein was released on bail. From 16.9.2008 onwards, the accused failed to appear before the trial court. He was reported to be absconding. The bail bond was forfeited. Notice was issued under Sec.446 Cr.P.C. to show cause why penalty should not be imposed on them. The petitioners did not respond to the notice. They did not also produce the accused before the trial court during the pendency of the proceedings in M.C.No.19/2011. Till this date, the petitioners did not make any effort to produce the accused.

There is no procedural illegality or irregularity in the action taken by the learned Magistrate. The petitioners were directed by the trial court to pay penalty of ₹20,000/- each. The learned Addl. Sessions Judge found no reason to show leniency.

2. The accused was involved in a case charged under Sec.379 IPC. The sureties cannot after receipt of the notice under Sec.446 of Cr.P.C. keep quiet without making any effort to produce the accused before the trial court. The very fact that till this date, the accused was not produced by the sureties/petitioners will show their reluctance to produce the accused. As such, I find no merit in the contention raised by the petitioner. However, considering all the aspects, the penalty imposed on the petitioners is reduced to ₹15,000/- each.

This Crl.R.P. is disposed of as above.

**N.K.BALAKRISHNAN,
JUDGE.**