

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 31ST DAY OF OCTOBER 2017/9TH KARTHIKA, 1939

CRL.A.No. 1111 of 2016 ()

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APPELLANT(S)/RESPONDENTS:

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1. SHAILA,  
D/O MARY, AGED 55 YEARS, JOSE VILASAM, PERAYAM,  
PERAYAM VILLAGE, KOLLAM.
2. SOUMYA  
D/O JOSEPH, AGED 50 YEARS, CHERUPUSHPAVILASAM,  
PERAYAM, PERAYAM VILLAGE, KOLLAM.

BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 31-10-2017, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BKA/-

**K. ABRAHAM MATHEW, J.**

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Crl. Appeal No. 1111 of 2016  
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Dated this the 31<sup>st</sup> day of October, 2017

**J U D G M E N T**

The appellants were the sureties of the accused in SC No. 1476 of 2015 on the file of the Additional Sessions Court-V, Kollam. On the failure of the accused to appear, the court recorded forfeiture of the bond and registered MC No. 20 of 2016 against the appellants under Section 446 Cr.P.C. Though they were served with notice, they failed to appear. The learned Sessions directed them to pay ₹20,000/- each as penalty. This is challenged.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. It is seen from the records of the case that neither illegality nor irregularity was committed by the trial court. It is on the failure of the appellants to show cause why they should not be ordered to pay the bond amount

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of penalty, the impugned order was passed. I find no reason to take a different view.

4.The learned counsel submits that the parties are poor and the amount may be reduced. The penalty will be reduced to ₹15,000/- (Rupees fifteen thousand only) each.

In the result, this appeal is allowed in part. The penalty the appellants have been ordered to pay is reduced to ₹15,000/- (Rupees fifteen thousand only) each. The payment of the amount is recorded.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

bka/-

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PA to Judge