

Chaminiyan Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Sept. 23, 2024

Hon'ble Judges: C.S.Sudha, J

Bench: Single Bench

Advocate: Shiba M Samuel, Vipin Narayan

Final Decision: Disposed Of

Judgement

C.S.Sudha, J

1. This appeal under Section 495 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the counter petitioners in MC No.38/2022 in SC

No.430/2022 on the file of the Court of the Additional Sessions Judge-III, Kasaragod. The counter petitioners were the sureties of the 11th accused in

the aforesaid case. During the trial of the case, the 11th accused absconded. Hence, the bail bond executed by the counter petitioners/sureties was

forfeited. Though notice was issued to the counter petitioners and it was served on them, they never turned up before the court and hence the trial

court imposed a penalty of ₹1,00,000/- each on the counter petitioners. Hence, the appeal.

2. It is submitted by the learned counsel for the counter petitioners/appellants that a lenient view may be taken taking into account the age of the

counter petitioners. The learned Public Prosecutor objects to the request.

3. Heard both sides.

It is seen that the bond amount was for an amount of ₹1,00,000/- each and the penalty is the maximum that has been imposed by the trial court. In the

light of the facts and circumstances of the case and also in the interest of justice, the impugned order is modified and the counter petitioners/appellants

are directed to pay a penalty of ₹1,40,000/- each within a period of two months from the date of receipt of a copy of this judgment. The appeal is

disposed of in the above terms.

Interlocutory applications, if any pending, shall stand closed.