
(1997) 03 AHC CK 0226

Allahabad High Court

Case No: Criminal Revision No. 294 of 1984

Wahib Uddin

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: March 20, 1997

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 446

Hon'ble Judges: C.A. Rahim, J

Bench: Single Bench

Judgement

C.A. Rahim, J.

This revision has been preferred against the judgment and order dated 21.1.1984 passed by Sri D. N. Shukla, Sessions Judge, Allahabad confirming the order dated 6.1.1984 passed by Sri B. B. Singh, Judicial Magistrate Ist Class, Allahabad in Misc. Case No. 20/X/83.

2. In short, the fact is that the applicant along with one Abdul Rauf stood surety for the accused by furnishing bond of Rs. 2,000 each. Since they did not produce the accused in terms of the bail bond, it was forfeited u/s 446, Code of Criminal Procedure and the learned Magistrate imposed penalty on the applicant to pay Rs. 2,000. Being dissatisfied, the applicant preferred an appeal before the learned Sessions Judge, Allahabad, who dismissed the appeal summarily by his order dated 21.1.1984.

3. It appears that the accused not only absconded but left India and when he came back, information was given to the police but even then he was not arrested. The applicant was unable to produce the said accused before the court for which forfeiture proceeding started.

4. I do not find any merit in this revision and the same is dismissed. The learned trial court shall issue proceeding for realisation of the amount. But the applicant should be given a chance to deposit the amount in four equal monthly instalments. Till

then, proceeding shall be kept in abeyance. The first instalment shall be deposited by 30.4.1997. If the applicant falls to deposit any one of the instalment the learned Magistrate shall proceed for the realisation of the entire amount. Interim stay order passed on (sic).

5. With the above observations the revision is disposed of.