

(2018) 03 KL CK 0003

In the High Court Of Kerala

Case No : Criminal Appeal No. 567 Of 2016

Sanjeeva And Anr @APPELLANT@Hash State Of Kerala

Date of Decision : 01-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 149, 323, 326, 341
Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(2)(v)(a), 14(A), 18

Citation : (2018) 03 KL CK 0003

Hon'ble Judges : B. Kemal Pasha, J

Bench : Single Bench

Advocate : K.P.Harish, Amjad Ali

Final Decision : Allowed

Judgement

1. This is an appeal filed under Section 449 of the Cr.P.C. challenging Annexure-A1 order passed by the Additional Sessions Court-II, Kasaragod in M.C.No.82 of 2015. Accused namely Nandeesh in S.C.No.320 of 2014 of the court below was taken on bail by the appellants by executing bonds for Rs.50,000/- each. The accused subsequently absconded. NBW was issued against the accused and notices were issued to the appellants by forfeiting their bonds. The appellants failed to produce the accused before the court below, and consequently, the court below imposed penalty at the rate of Rs.20,000/- on each of the appellants.
2. The learned counsel for the appellants has pointed out subsequently the accused had appeared before the court below and surrendered.
3. Whatever it is, this Court had by taking note of the facts and circumstances of the case directed the appellants to pay Rs.7,500/- each before the court below. The said amounts were paid. This Court is of the view that a penalty at the rate of Rs.7,500/- on each of the appellants will meet the ends of justice in this case. Therefore Annexure-A1 order is liable to be modified to that effect.
4. In the result, this Criminal Appeal is allowed in part, and Annexure-A1 order is modified as follows:-

Each of the appellants shall pay Rs.7,500/-as penalty. When the said amounts have already been paid, the proceedings against the appellants shall stand closed.