

(2014) 06 KL CK 0040
In the High Court Of Kerala
Case No : Crl. Appeal No. 167 of 2014

Thamil Selvan

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 16-06-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 449

Citation : (2014) 06 KL CK 0040

Hon'ble Judges : K. Abraham Mathew, J

Bench : Single Bench

Advocate : K.S. Hariharaputhran, Sri. M.D. Sasikumaran, Sri. George Mathew, Sri. P.A. Ismail, Sri. Sunil Kumar, A.G and Sri. Dipu James, Advocate for the Appellant; Dhanesh Mathew Manjooran by Public Prosecutor, Advocate for the Respondent

Final Decision : Dismissed

Judgement

K. Abraham Mathew, J.—This appeal is filed u/s 449 of Cr.P.C. The appellants were the sureties of the accused in Sessions Case No. 231 of 2013 on the file of the Additional Sessions Court- III, Thodupuzha. When the accused failed to appear, notice was issued to the appellants. They appeared before the Court and sought time to produce the accused. Thereafter, neither the accused nor the appellants appeared. They failed to show cause why they should not be ordered to pay the amount covered by the bonds executed by them. So the learned Sessions Judge ordered them to pay the amount of Rs. 10,000/- as penalty. It is stated that the order is illegal on the ground that they were not given sufficient opportunity.

2. Heard.

3. It is not in the issue that the appellants were issued notice and they appeared before the Court below pursuant to the notice. They sought time to produce the accused and the Court granted it. But neither they, nor the accused appeared before the Court. They failed to show cause why they should not be ordered to

pay the bond amount as penalty. I find nothing wrong in the procedure followed by the learned Sessions Judge. The amount is very meager. There is no merit in the arguments of the learned counsel. The appellants are granted one month time to pay the penalty.

In the result, this appeal is dismissed.