

Kerala High Court

Pulikkathodi Chozhi vs State on 5 June, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.Rev.Pet.No. 63 of 2001()

1. PULIKKATHODI CHOZHI

... Petitioner

Vs

1. STATE

... Respondent

For Petitioner :SRI.P.SAMSUDIN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice THOMAS P.JOSEPH

Dated :05/06/2009

O R D E R

THOMAS P. JOSEPH, J.

Crl.R.P.No.63 of 2001

Dated this the 5th day of June, 2009.

ORDER

This revision is in challenge of judgment of learned Sessions Judge, Manjeri in Crl.Appeal No.111 of 1996 confirming order in M.C.No.55 of 1996 of the court of learned Chief Judicial Magistrate, Manjeri whereby petitioners and the accused in the case were directed to pay penalty of Rs.10,000/- each . Learned Sessions Judge while disposing of the appeal clarified that the penalty of Rs.10,000/- is the aggregate amount payable by the petitioners as well as the accused.

2. Petitioner No.1 died during the pendency of this revision. His legal representatives are impleaded as additional petitioners.

3. Learned counsel contended that penalty imposed is excessive and that it exceeded the bond

amount.

4. Learned Sessions Judge has observed that the bond executed by the sureties is for Rs.7,500/- each. It is not disputed that petitioners bailed out the accused in S.T.No.91 of 1994. He failed to turn up and petitioners failed to produce him. Conditions of the bond stand violated. Petitioners were given notice of the proceedings but they did not turn up. Hence they are liable to pay Crl.R.P.No.63/2001 penalty. I do not find reason to interfere with the quantum of penalty imposed. But I make it clear that liability of the petitioners will be Rs.2,500/- (Rupees two thousand and five hundred only) each.

Revision Petition is disposed of with the above clarification. Crl.M.A.No.266 of 2001 will stand dismissed.

THOMAS P.JOSEPH, Judge.

cks Crl.R.P.No.63/2001 Thomas P.Joseph, J.

Crl.R.P.No.63 of 2001 ORDER 5th June, 2009.