Court No. - 78

Case: - CRIMINAL APPEAL No. - 10030 of 2023

Appellant :- Mansooba Khatoon

Respondent :- State of U.P.

Counsel for Appellant :- Adil Khan **Counsel for Respondent :-** G.A.

Hon'ble Raj Beer Singh, J.

- 1. Heard learned counsel for the appellant, learned A.G.A for the State and perused the record.
- 2. In view of facts of the matter, this appeal is decided finally at the stage of admission itself.
- 3. This appeal has been preferred by the appellant against the orders dated 15.11.2021 and 23.01.2023, passed by the learned Additional District and Session Judge/POCSO Act-2, Amroha in Criminal Misc. Case No.218 of 2021, connected to Special Session Trial No.44 of 2017 (State vs. Mansooba Khatoon), P.S. Amroha Nagar, District Amroha, whereby, the proceedings have been initiated against the appellant under Section 446 Cr.P.C.
- 4. Perusal of record shows that appellant has stood surety for accused Salman in case crime no.346 of 2017, under Section 354B IPC, P.S. Amroha Nagar, District Amroha. The case of appellant is that the accused Salman was a resident of Bihar State and at the time of incident, he was working as helper to the appellant and thus, she has submitted her surety for accused in the said case but later on accused Salman has absconded. Learned counsel submitted that the accused is not traceable and due to the absence of accused in trial, the trial court has issued show cause notice under Section 446 Cr.P.C., as to why the amount of surety bond of

Rs.50,000/- be not recovered from the sureties. It appears from the

copy of order-sheet filed by learned counsel for the appellant that

appellant has not appeared before the trial court so far. Learned

counsel for appellant submitted that appellant is a lady and her

financial condition is not good and thus, the trial court may be

directed to take liberal view in the matter and the amount of surety

bond to be recovered be reduced.

5. Learned AGA has opposed the appeal.

6. Considering the aforesaid facts, it is directed that in case the

appellant appears before the trial court in proceedings of Criminal

Misc. Case No.218 of 2021 within three weeks from today and

submits her objections against the notice of recovery of surety

bond amount, the same shall be considered and decided by the trial

court expeditiously in accordance with law. It is directed that for a

period of three weeks from today, or till the appellant submits her

objection before the concerned court, whichever is earlier, the

recovery proceedings shall remain stayed.

7. With aforesaid observations, the appeal is disposed of.

Order Date :- 6.10.2023

Neeraj