

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, PONNANI

Present :- Smt. Sowmya.T.M., Judicial First Class Magistrate.

Dated: ..2-11-23....

MC .10/23

Complainant	Suomoto Proceeding
Respondents	1. Muneer, s/o kammukutty 2. Yahiya S/o Hamza
Proceeding	Under section 446 Cr.P.C.

ORDER

1. This is a suomoto proceeding initiated under section 446 of Criminal Procedure Code against the respondents.

2. The respondents are the sureties of the accused in of this Court alleging commission of offence punishable under section The said accused was released on bail on executing a bond for Rs..... by the accused as well as the respondents.

Thereafter, the accused absconded. By the absence in court or by the abscondance, the accused himself caused to forfeit the bail bond. The mere absence of the accused in Court on the posting date itself is sufficient to forfeit the bond automatically. I rely on **Thundichi Vs State of Kerala (2009 (4) KLT 67)**. Though the court issued warrants against the accused, his presence could not be procured. So, notice was issued to the respondents who stood as sureties for the accused. Notice was served on the respondents. But they did not appear or

produce the accused. They neither showed any reason for the absence of the accused in the court proceedings. So, this proceeding was initiated. Since the accused is absconding, there is sufficient ground to impose penalty. However, considering the fact that the offence is a minor one, I am of the view that there is reason to show some leniency towards the respondents in respect of the quantum of penalty. I am satisfied that imposition of penalty of Rs. 5000.... each on the respondents will meet the ends of justice. Remission is granted as far as the balance amount of Rs. each is concerned.

In the result,

1. The respondents are directed to pay a penalty of Rs. 5000/- each u/s 446 of Cr.P.C.
2. Issue distress warrant to collect the amount under section 421 (1) (b) Cr.P.C if the penalty is not paid. If warrant could not be executed, the respondents are liable to undergo simple imprisonment for 10 days in civil prison.

(Pronounced by me in open court this the 2/11/23.....)

Judicial First Class Magistrate, Ponnani

