

Case called out.

Respondent No. 1 present.

Sri HR, Advocate files vakalath on behalf of respondent No.1.

Learned counsel Sri HR files an application U/Sec.446(3) of Cr.P.C. seeking to take lenient view while imposing penalty against the Respondents.

Copy served on other side.

Learned APP orally objected.

Heard and perused.

Now the point that would arise for my consideration is as under.

“Whether the respondents are entitled to leniency while imposing penalty and whether the application filed under the provisions of Sec.446 of Cr.P.C., is deserves to be allowed”?

On considering, the materials on record, my answer to the above point for consideration is in partly affirmative for the following:

REASON

On perusal of records it indicates that the respondent No.1 stood as surety to respondent No.2 in C.C.No.1341/2021 and executed bail bond for Rs.25,000/-. Since the accused did not turn up before the court, the bail bonds of accused and his surety bonds were ordered to be forfeited and accordingly this criminal miscellaneous has been initiated against the respondent No.1. On enquiry, the respondent No.1 submits he is working as coolie and his earning is very low and all the family members are depending upon his earning. The original case number C.C.No.1341/2021 has been already disposed by the concerned court. According to sec.446(3) of Cr.P.C. the court has discretionary power to remit the portion of the bond amount, as such considering the facts and

circumstances of the case, respondent No.1 is liable to pay the portion of the bond forfeited amount. Under these circumstances, if the respondent No.1 is directed to pay Rs.10,000/- of the bond amount as penalty it would meet the ends of justice. Hence, I proceed to following:

ORDER

The application filed by the Respondents U/sec.446 of Cr.P.C. is allowed.

The respondent No.1 is directed to pay penalty of Rs.10,000/- and remaining bond amount of Rs.15,000/- is remitted to State (Waived off).

If the respondent No.1 fails to pay penalty amount, he shall under go imprisonment for one month in Civil Prison.

Accordingly the case is closed.

Prl. Civil Judge & JMFC.,
Holalkere.