

PROCEEDINGS OF THE JUDICIAL FIRST CLASS MAGISTRATE ,
KUNNAMANGALAM

Present:- Smt. Athira M

Judicial First Class Magistrate, Kunnamangalam

Dated this the 07th Day of April, 2026

MC 12/2026

Petitioner : State of Kerala

Vs.

Respondents : 1. George, S/o Ipe, Poonangavil,
Nooranthode, Kodenchery

2. Gireesan, S/o Itharan, Malayil,
Pottamal, Kunnamangalam

This case coming on for today's proceedings, the court passed the following :

ORDER

This is a suo-moto proceeding initiated u/s 490 the Bharatiya Nagaraika Suraksha Sanhita (hereinafter referred to as the BNSS) against the respondents.

2. The respondent is the sureties of the accused in ST 1197/19 before this court. The accused in the above case named Rajtjih Raveendran, was alleged to have committed the offences punishable u/ss. 138 of NI Act. Accused was released on bail on executing a bond for Rs. 50,000/- each (Rupees Fifty Thousand (each) only) by the sureties on 19-04-24. The respondents herein stood as the sureties of accused for his appearance before the court as and when required to do so. The sureties entered into bail bond with a condition that in default of appearance of the accused before this court they would forfeit a sum of Rs.50,000/- (Rupees Fifty Thousan only) each to the Government of Kerala. Thereafter, though summons and warrants were issued to the accused,

the accused not appeared before the court and still he is absconding. Though repeatedly non bailable warrants were issued, his presence could not been procured.

3. On being satisfied that the bond has been forfeited since accused has been absconded on the date of posting, notice were issued to the sureties to pay forfeited bond amount or show cause why the payment of said sum should not be enforced against them. The mere absence of accused on the posting date is more enough to forfeit the bond executed by the accused.

4. Though notice was served upon the surety, he neither paid the amount nor shown any reasons for nonpayment of the penalties. Hence, this Miscellaneous Case has been registered against the surety arraying him as respondents.

5. Since the accused has been absconding there is sufficient ground to impose penalty u/s.490 the BNSS . I am satisfied imposition of penalty of Rs.20000/- each (Rupees Twenty Thousand each) on the respondent will be just and sufficient.

6. In the result,

- (1) The respondents are hereby directed to pay Penalty of Rs. 20000/- (Rupees Twenty Thousand only) within 30 days from receipt of this order.
- (2) If the respondents not paid the amount within the said period, issue distress warrant to collect the amount u/s.461(1)(b) of BNSS. If the distress warrant could not be executed the respondent shall undergo Simple Imprisonment for 30 days in Civil Prison.

(Pronounced by me in open court this the 07th Day of April, 2026)

Judicial First Class Magistrate
Kunnamangalam.

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