



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

TUESDAY, THE 11TH DAY OF FEBRUARY 2025 / 22ND MAGHA, 1946

CRL.A NO. 189 OF 2025

AGAINST THE ORDER DATED 08.09.2023 IN M.C.No.3/2023
IN SC NO.247 OF 2020 ON THE FILE OF THE SESSIONS COURT,
PATHANAMTHITTA.

APPELLANT(S)/1ST COUNTER PETITIONER IN MC:

SUDHEER S S
AGED 54 YEARS,
JAJODHAYAM, VENKULAM,
EDAVA P.O, THIRUVANANTHAPURM,
PIN - 695311

BY ADVS.
GODWIN JOSEPH
ADITHYA K.P.

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER
ADOOR POLICE STATION,
ADOOR P.O,
PATHANAMTHITTA,
PIN - 691523
- 3 THE DEPUTY TAHSILDAR
VARKALA TALUK OFFICE,
VARKALA,
THIRUVANANTHAPURAM, PIN - 695141



2025:KER:11154

4 VILLAGE OFFICER
EDAVA VILLAGE OFFICE, PARAVUR,
VARKALA ROAD, VETTAKADA, EDAVA,
THIRUVANANTHAPURAM, PIN - 695311

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
11.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



C.S.SUDHA, J.

Crl.Appeal No.189 of 2025

Dated this the 11th day of February 2025

J U D G M E N T

This appeal under Section 495 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the first counter petitioner in M.C.No.3/2023 in S.C.No.247/2020 on the file of the Court of Session, Pathanamthitta aggrieved by the order dated 08/09/2023 by which he has been directed to pay penalty.

2. Admittedly the appellant is one of the sureties of the accused in S.C.No.247/2020. When the accused failed to appear before the trial court, his bail bond was cancelled. M.C.No.3/2023 was registered and show cause notice was issued to the sureties. However, they failed to show cause or produce the accused. Hence as per the impugned order they have been directed to pay penalty of ₹4,00,000/- (four lakhs rupees only) failing which they would have to undergo imprisonment in civil jail for a period of three months.



3. The learned counsel for the appellant/first counter petitioner submits that the latter is a chronic diabetic patient having no source of income. The penalty amount of ₹4,00,000/- is quite excessive and hence prays that the penalty amount may be brought down considerably.

4. The learned public prosecutor objects to the said request.

5. Heard both sides.

6. Taking into account the facts and circumstances of the case, the penalty amount of ₹4,00,000/- is reduced to ₹50,000/- (fifty thousand rupees only). To the said extent the impugned order shall stand modified. The appeal is disposed of accordingly.

Interlocutory applications, if any pending, shall stand closed.

Sd/-
C.S.SUDHA
JUDGE



APPENDIX OF CRL.A 189/2025

PETITIONER ANNEXURES

Annexure A1	CERTIFIED COPY OF ORDER DATED 8.9.2023 IN MC 3/2023
Annexure A2	A TRUE COPY OF THE REVENUE RECOVERY NOTICE IN RRC NO. 2023/8809/03 DATED 21.05.2024
Annexure A3	A TRUE COPY OF DIAGNOSIS REPORT DATED 06.01.2025
Annexure A4	TRUE COPY OF UNIQUE DISABILITY ID CARD DATED 03.03.2020
Annexure A5	TRUE COPY OF MARRIAGE INVITATION CARD OF THE DAUGHTER OF THE APPELLANT
Annexure A6	TRUE COPY OF JUDGMENT DATED 13.08.2024 IN CRL.A 717/2024