

Ajikumar vs State of Kerala

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Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Mrs. Justice C.S. Sudha

Appeal No. : CRL.A/666/2025

Appellant : Ajikumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE C.S. SUDHA FRIDAY,
THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947 AGAINST
THE ORDER DATED 22.03.2023 IN MC NO.115/2022 IN SC
NO.1833/2021 OF SPECIAL JUDGE COURT FOR TRIAL OF SC/ST
CASES, THIRUVANANTHAPURAM
APPELLANTS/RESPONDENTS/SURETY NOS.1 AND 2: 1 AJIKUMAR
AGED 62 YEARS S/O APPUKKUTTAN PILLAI, KRISHNA BHAVAN,
CHITTATTUMUKKU P O, KADINAMKULAM, THIRUVANANTHAPURAM
DISTRICT, PIN - 695301 2 SANTHI L AGED 60 YEARS W/O
PRASANAN, SANTHI NIVAS, PUKAYILATHOPU, KORANI P O,
EDAKODE, THIRUVANANTHAPURAM DISTRICT - 695104 BY ADV

M.ABDUL RASHEED RESPONDENTS/PETITIONERS/STATE: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE
STATION HOUSE OFFICER CHIRAYINKEEZHU POLICE STATION,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT, PIN -
695304 SMT.SHEEBA THOMAS, PP THIS CRIMINAL APPEAL HAVING
COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

C.S.SUDHA, J.

CrI. Appeal No.666 of 2025 Dated this the 11th day of April 2025

JUDGMENT

This appeal under Section 495 of the Bharatiya Nagarik Suraksha Sanhita is against the order dated 22/03/2023 in MC No.115/2022 in SC No.1833/2021 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvananthapuram, whereby the counter petitioners in the MC, who are the sureties of the accused have been directed to pay penalty of 50,000/- each.

2. It is submitted by the learned counsel for the

appellants/counter petitioners that the appellants/counter petitioners were unaware of the proceedings and hence the reason why they were unable to appear before the court. The accused for whom they were appearing as sureties has surrendered before the court and therefore a lenient view may be taken and the penalty amount may be reduced.

3. The request is opposed by the learned Public Prosecutor.

4. Heard both sides.

5. On going through the impugned order, it is seen that

notice was issued to the appellants/counter petitioners which was also served on them. But, they never turned up before the trial court and hence the reason why the trial court proceeded to pass the impugned order. I do not find any infirmity as such in the impugned order. However, in the interest of justice, the impugned order is modified and the appellants are directed to pay penalty amount of 25,000/- each within a period of one month from the date of receipt of a copy of this judgment.

The appeal is disposed of in the above terms. Interlocutory applications, if any pending, shall stand closed. Sd/- C.S.SUDHA JUDGE NP

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