

**Madho Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/752573](http://sooperkanoon.com/752573)

**Court :** Rajasthan

**Decided On :** May-23-1951

**Reported in :** 1952CriLJ1379

**Judge :** Atma Charan, J.C.

**Appellant :** Madho

**Respondent :** State

**Judgement :**

ORDER

Atma Charan, J.C.

1. Heard the parties.

2. The only question that arises in this application in revision is whether the entire penalty due under the surety bond forfeited be realized or not Under Section 514, Cr.P.C. The perusal of the record of the trial court shows that on the day in question the accused was lying ill in the Victoria Hospital at Aimer and that after his discharge therefrom he was taken in custody in another criminal case and was lodged in the Central Jail at Ajmer. The surety bond, in the circumstances, rightly stands forfeited. It was however, beyond the control of the accused to have presented himself before the court concerned on the day fixed for the disposal of the case. The surety also could not be blamed because he did his level best to see that these facts were brought to the notice of the Court concerned. There is

thus no reason as to why a lenient view in the matter be not taken and the entire penalty remitted Under Section 514(5), Cr.P.C.

3. The application in revision accordingly is allowed, the order of the trial court directing that the penalty due under the surety bond be realized in full is set aside and the entire penalty is remitted Under Section 514(5), Cr.P.C.

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