

Arvind Malot Vs. State of Rajasthan

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Court : Rajasthan

Decided On : May-08-1995

Reported in : 1996(1)WLC370; 1995(2)WLN376

Judge : Rajendra Saxena, J.

Appeal No. : S.B. Criminal Revision No. 103 of 1995

Appellant : Arvind Malot

Respondent : State of Rajasthan

Disposition : Petition dismissed

Judgement :

Rajendra Saxena, J.

1. Mr. Trivedi submits that despite frantic search made by the petitioner, accused R. Mohanraj and P. Swami could not be traced.

2. Heard, Perused the orders passed by the learned lower courts. The petitioner stood surety for accused R. Mohanraj and P. Swami and executed surety bond of Rs. twenty thousand in respect of each accused. The said accused persons were facing trial for the offence under Section. 3/4, Prize. Chieats and Money Circulation Scheme Act, 1978, in the court of learned CJM, Banswara and they absented themselves on 15.10.93. Hence the surety bonds executed by the

petitioner as also the personal bonds of the accused persons were forfeited and notice under Section 446 Cr. P.C. was issued against the petitioner.

3. Petitioner, despite ample opportunity, failed to produce those accused persons nor he disclosed sufficient reasons for not producing them. The petitioner only argued that the being a second grade teacher, a sympathetic view should be taken and forfeited amount be remitted.

4. The learned CJM vide his order dated 15.6.94 forfeited the surety amount and directed the petitioner to deposit the said amount. The learned Sessions Judge, Banswara vide his judgment dated 12.1.95 dismissed petitioner's appeal. The petitioner was very well knowing that the said accused persons were residents of different States still then he, for the reasons best known to him, stood surety for them, who jumped bail and absconded. The said accused persons were facing trial for the offence of cheating the public at large under the aforesaid Act. The petitioner has miserably failed to show any sufficient and reasonable ground for remitting the forfeited amount of surety bonds executed by him. In my considered opinion, the learned lower courts have not committed any illegality and the impugned orders passed by them are absolutely correct, legal and appropriate and do not warrant any interference.

5. Hence this petition being devoid of any force and substance, is hereby dismissed. A copy of this order be sent to the learned CJM, Banswara for compliance.