

Sataya Narain Vs. State

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Court : Rajasthan

Decided On : Oct-24-1977

Reported in : 1977WLN(UC)524

Judge : Mohan Lal Shrimal, J.

Appeal No. : S.B. Cr. Revision No. 259/77

Appellant : Sataya Narain

Respondent : State

Judgement :

Mohan Lal Shrimal, J.

1. Heard learned Counsel for the parties.
2. In case No. 706 of 1977 pending in the Court of Munsif and Judicial Magistrate, Beawer the accused petitioners were ordered to be released on bail on furnishing personal bonds in the sum of Rs. 3,00,000/- each and six sureties of Rs. 50,000/- for each of the accused.
3. Being aggrieved of the above referred order dated August 5, 1977 the petitioners went up in revision before the learned Sessions Judge, Ajmer, who by his order dated August 20, 1977 partly accepted the revision and modified the impugned order as under:

Satya Narain, Vinod Kumar and Vijai Kumar were ordered to furnish personal bonds h; the sum of Rs. 1,00,000/- each and two sureties of Rs. 50,000/- each The accused Satya Narain son of Shri Lakhan Lal and Bhanwar Lal were ordered to furnish personal bonds in the sum of Rs. 50,000/- each and two sureties in the sum of Rs. 25,000/-each.

4. Though the accused-petitioner have furnished the personal bonds and the sureties as ordered by the two courts below but their grievance is that the courts below have committed a gross error of law in demanding excess amount of bail bonds and surety bonds from them. The further contention of the learned Counsel for petitioners is that the machinery of criminal court should not be utilised to satisfy the personal vendetta of an individual. The highest punishment provided under Section 420 IPC is seven years' imprisonment and keeping in view the nature of the offence the learned Magistrate ought not to have demanded such an excessive amount of personal bonds and surety bonds. The learned Counsel Mr. Bafna appearing on behalf of the Slate has urged that this is not a fit case in which inherent powers of the Court should be exercised for reducing the personal bonds and surety bonds. Mr. Agarwal appearing on behalf of the petitioners has placed on record certain letters alleged to have been written be some of the parties wherein it has been mentioned that they do not want to prosecute their case before a criminal court.

5. Taking a conspectus of the circumstances of the case I am of the opinion that it would meet the ends of justice if the amount of personal bonds and surety bonds ordered to be furnished by the accused-petitioner is reduced.

6. The order dated 20-8-1917 passed by the learned Sessions Judge is modified as under:

Accused-petitioner Satya Narain son of Shri BehariJal shall furnish personal bond in the sum of Rs. 50, 000 and one surety in the Like amount. Accused-petitioner Vinod Kumar and Vijay Kumar shall furnish personal bonds in the sum of Rs. 30,000/- each with one surety in the like amount each and accused petitioners Satya Narain son of Shri Lakhanlal and Bhanwarlal shall furnish personal bonds in the sum of Rs. 15,000/- each with one surety in the like amount each.

7. The revision is party allowed as indicated above.

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