

CHAPTER XLII - PROVISIONS AS TO BONDS

513. Deposit instead of recognizance. When any person is required by any Court or officer to execute a bond, with or without sureties such Court or officer may, except in the case of a bond for good behaviour,

permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

514. Procedure on forfeiture of bond. (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Magistrate of the first class, or when the bond

is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the

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Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the

penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same

by issuing a warrant for the attachment and sale of the movable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any movable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which Issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may at its discretion, remit any portion of the penalty mentioned and enforce payment in part

only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond.

(7) When any person who has furnished security under section 107 or section 118 is convicted of an offence the commission of which constitutes a breach of the conditions of this bond, or of a bond executed

in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety, or

sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by

him unless the contrary is proved.

514-A. Procedure in case of insolvency or death of surety or when a bond is forfeited. When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken or a Magistrate of the first class,

may order the person from whom such security was demanded to furnish fresh security in accordance with

the directions of the original order, and, if such security is not furnished, such Court of Magistrate may proceed as if there had been a default in complying with such original order.

514-B. Bond required from a minor. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.

[515. Appeal from, and revision of, orders under section 514. All order passed under section 514 by a District Magistrate or a Judicial Magistrate, shall be appealable to Sessions Judge and all such orders passed by an Executive Magistrate other than a District Magistrate, shall be appealable to the District Magistrate, or, if no appeal is made against any such order, may be revised, in the case of an order

passed

by a District Magistrate or a Judicial Magistrate, by the Sessions Judge, and in the case of an order passed by an Executive Magistrate other than a District Magistrate, by the District Magistrate.]

516. Power to direct levy of amount due on certain recognizances. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.