

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

CRL.A.No. 466 of 2002 ()

AGAINST THE ORDER IN CrI.MC 5051/2002 of HIGH COURT OF KERALA DATED 30-05-2002

AGAINST THE ORDER IN CC 1034/2001 of J.M.F.C.-II, MANANTHAVADY DATED 06-04-2002

APPELLANT/COMPLAINANT::

SAJEEV, S/O.JOSEPH, OLAPURAYIL VEEDU,
PALVELICHAM, BAVELI P.O., KATTIKULAM.

RESPONDENTS/STATE & ACCUSED::

1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM
KOCHI-31.

2. LINGAPPA POOJARI, S/O.ANNU POOJARI,
VOTEKAD HOUSE, BALAMURI POST, MADIKERI TALUK
COORG DISTRICT.

BY P.P.SRI.JIBU P. THOMAS

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 28-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. RAMAKRISHNAN, J.

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Crl.A.No.466 of 2002
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Dated this the 28th day of September, 2015.

This is an appeal filed by the complainant in C.C.No.1034/2001 on the file of the Judicial First Class Magistrate Court-II, Mananthavady. The case was taken file on the basis of a private complaint filed by the complainant under section 138 of the Negotiable Instruments Act.

2. When the accused appeared before the court below, particulars of offence were read over and explained to him and he pleaded not guilty. So it was posted for evidence of the complainant. Since the complainant did not appear, the court below acquitted the accused under section 256(1) of the Code of Criminal Procedure by the impugned judgment. Aggrieved by the same, the present appeal has been preferred by the appellant/complainant before the court below.

3. Earlier, the appeal was filed through Adv.Sri.Jijo Paul. When he died, this Court had issued notice to the appellant intimating this fact and asking him to engage another lawyer. But in spite of service of notice on him, he did not take any step to appoint any counsel. That shows that he is not interested

in prosecuting the appeal as well. Since he did not appear and show interest in prosecuting the complaint in the lower court, court below had acquitted the accused under section 256(1) of the Code. The attitude of the complainant before this Court also shows that he is not interested in prosecuting the appeal. So this Court find no illegality in the order passed by the court below acquitting the accused for non prosecution of the complaint by the complainant in the lower court. So the appeal lacks merit and the same is liable to be dismissed.

In the result, the appeal is dismissed.

Office is directed to communicate a copy of this order to the concerned court immediately.

Sd/-

K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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K. RAMAKRISHNAN, J.

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Crl.A.No.466 of 2002

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28th September, 2015.

