

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

CRL.A.No. 40 of 2003 ()

CC. NO.1116/1998 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA.

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APPELLANT/COMPLAINANT:

**ALEYAMMA CHERIAN, W/O.LATE CHERIAN,
VELIYIL CARMAL VILLA, CHETTIKADU, WARD NO.14,
MARARIKULAM THEKKU PANCHAYATH.**

BY ADV. SRI.GRASHIOUS KURIAKOSE.

RESPONDENTS/ACCUSED & STATE:

- 1. P.J. ALIAS, S/O.JOSEPH, PUNNACKAL HOUSE,
PATHIRAPPALLY VILLAGE, AMBALAPUZHA TALUK,
ALAPPUZHA.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.A.D.SHAJAN.

R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN.

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

V.K.MOHANAN,J.

Crl.Appeal No.40 of 2003

Dated this the 17th day of August, 2012

JUDGMENT

Though notice in the above appeal was ordered as early as on 07/03/2003, so far the service is not completed. It is discernible from endorsement on the file that as step was not taken, though notice was ordered on 07/03/2003, notice by speed post ordered on 07/11/2007. Since service of notice was not complete, on 12/11/2010, two weeks time was granted to cure the defect.

2. It is seen from the endorsement dated 07/07/2011 that time was granted to the appellant to cure the defect. The representation on behalf of the appellant on 07/07/2011 was that step was being taken to cure the defect and process paid and even court fee number was also given and notice was ordered to the first respondent. That proceedings was recorded considering the endorsement of the Registry dated 05/07/2011, whereby

the Registry has reported that no steps have been taken so far and defect was put up for orders.

3. Thus in spite of the order dated 07/07/2011, it is seen that, though the case is posted before the Registrar Judicial on 11/07/2012 and on 25/07/2012, there was no representation. It is thereafter the case posted today. But no step is taken in the meanwhile. The above approach shows that the appellant is not interested in prosecuting this mater. Accordingly, the above appeal is dismissed for non-prosecution.

V.K.MOHANAN, JUDGE

skj

True copy

P.A. to Judge