

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

CRL.A.No. 330 of 2003 (C)

AGAINST THE JUDGMENT IN ST 102/2001 of C.J.M.,
THODUPUZHA, DATED 27-11-2002

APPELLANT(S) /COMPLAINANT:

T.K.UMMAR, S/O.KADER KUNJU,
ZAREENA MANZIL, KAVUMKARA, MUVATTUPUZHA
TALUK, VELLORKUNNAM VILLAGE, ERNAKULAM
DISTRICT.

BY ADVS.SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENT(S) /ACCUSED & NON PARTY:

1. PRABHU KUMAR, S/O.LATE RAJAIYA,
HOUSE NO.18/5, MUTHUKARAPPAN THERUVIL, BODINAYAKKANNUR,
UTHAMAPALAYAM TALUK, MADURAI DISTRICT,
TAMIL NADU - 625 513.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 29-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SS

K. RAMAKRISHNAN, J.

Crl. Appeal No.330 of 2003

Dated this the 29th day of September, 2015

JUDGMENT

The counsel for the appellant submitted that the complainant is not interested in prosecuting the case in spite of intimation given, they did not come to cure the defect. That shows that, the petitioner is not interested in prosecuting the appeal. Further I have gone through the order passed by the court below, the complaint filed by the complainant under Section 138 of the Negotiable Instruments Act was ended in acquittal under Section 256 (1) of the Code of Criminal Procedure, as the complainant was absent for long time and in spite of opportunity given, he did not prosecute the case. Here also in spite of opportunity given, he did not take steps to complete the service on the first respondent, that shows that he is not interested in prosecuting the matter. So it cannot be said that, court below had committed any illegality in acquitting

the accused for non-prosecution of the complaint by the complainant under Section 256(1) of the Code of Criminal Procedure and the appeal lacks merit and the same is hereby dismissed.

In the result, the appeal is dismissed.

Sd/-

K. Ramakrishnan, Judge

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P.A. to Judge

ss