

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

CRL.A.No. 460 of 2003 (A)

CrI.MC 1719/2003 of HIGH COURT OF KERALA

CC 263/2000 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA

APPELLANT(S)/COMPLAINANT:

**KUNHIMOOSA K.P.
S/O. IBRAHIM, AGED 30 YEARS, KOLLAPARAMBATH HOUSE
VILLIAPPALLY P.O.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S)/ACCUSED:

- 1. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**
- 2. E.I.KUTAPPAN, AGED 68 YEARS,
SHOBHA NILAYAM, VELAPURAM, PAPPINISSERI P.O.**

R2 BY ADV. SRI.V.RAJAGOPAL

BY PUBLIC PROSECUTOR SMT SEENA RAMAKRISHNAN

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 15-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

SKV

K.RAMAKRISHNAN, J.

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Crl. Appeal No.460 OF 2003

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Dated this the 15th day of September, 2015

JUDGMENT

This is an appeal filed by the complainant in C.C.No.263/2000 on the file of the Judicial First class Magistrate Court, Vadakara against order of acquittal passed by the learned Magistrate. When the case came up for hearing on the last hearing day, the counsel representing the counsel who appeared earlier viz, late Shri.Rajagopal submitted that both the counsel and the 2nd respondent were no more. This court has directed the learned Public Prosecutor to ascertain about the fact. When the case came up for hearing today learned Public Prosecutor on instructions from the Sub Inspector of Police Valapattanam submitted that the accused in this case is no more and he died in the year 2010. Under Section 394 of the Code of Criminal Procedure in an appeal filed under

Section 377 and 378 of Code of Criminal Procedure on the death of the accused the appeal will abate. Since in this case the accused is no more the appeal stands abated. So the appeal is dismissed as abated.

Office is directed to communicate this judgment to the concerned court immediately.

Sd/-
K.RAMAKRISHNAN, JUDGE

SKV