

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. 688 of 2003 ()

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AGAINST THE JUDGMENT IN CC. NO. 111/2000 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-IV (MOBILE), THIRUVANANTHAPURAM.**

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APPELLANT/COMPLAINANT:

**M/S. INTEGRATED FINANCE COMPANY,
REPRESENTED BY FRANCIES KURIAN,
AREA MANAGER, M/S. INTEGRATED FINANCE COMPANY LTD.,
THIRUVANANTHAPURAM BRANCH,
KARIMPANAL STATUE AVENUE, STATUE,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.BALAGOVINDAN,
SRI.R.JAGADISH KUMAR.**

RESPONDENT/ACCUSED & STATE:

- 1. BASHEER S.M., AISWARYA,
VP 1/37, N.P.P. NAGAR, PEROORKADA,
THIRUVANANTHAPURAM.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

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

rs.

K.RAMAKRISHNAN, J.

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Crl. Appeal No.688 OF 2003

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Dated this the 28th day of September, 2015

JUDGMENT

Counsel for the appellant submitted that it appears that the appellant is not interested in prosecuting the case and in spite of the instructions given they have not taken any steps to issue process to the 1st respondent. Though opportunity was given to the appellant to take steps, to serve notice on the respondent, he has not taken any steps. That shows that they are not interested in prosecuting the appeal. However, on going through the order of the court below also this Court also feels that there is nothing to be interfered with the judgment of the court below as the accused had rebutted the presumption and the complainant had not proved that case beyond reasonable doubt so as to attract the offence under Section 138 of the Negotiable Instruments Act. On that ground also the appellant is not

entitled to succeed. So the order of the court below does not call for any interference and the appeal is liable to be dismissed. In the result appeal is dismissed.

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

Sd/ –
K.RAMAKRISHNAN, JUDGE

SKV