

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

CRL.A.No. 931 of 2003 ()

AGAINST THE JUDGMENT IN CC 1134/1998 of J.M.F.C.-I MUVATUPUZHA
DATED 05-12-2002

APPELLANT(S)/COMPLAINANT:

K.V. VARKEY, KOLLAMKUDIYIL VEEDU,
T.B. KUNNU KARA, KOTHAMANGALAM.

BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)

RESPONDENT(S)/ACCUSED AND ANOTHER:

1. MANI THOMAS, KOTTISSERIKUDI VEEDU,
KOTTISSERIKUDI VEEDU,
CHELADU KARA, KOTHAMANGALAM.
2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R, BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl. Appeal No.931 of 2003

Dated this the 10th day of August, 2015

JUDGMENT

This appeal is preferred against the judgment in C.C.No.1134/1998 of Judicial First Class Magistrate Court-1, Muvattupuzha, which was filed for offence punishable u/s.138 of the N.I. Act. The appellant is the defacto complainant. The accused is the 1st respondent in the trial Court. To prove the offence, the appellant was examined as PW1 and his evidence were marked as Exts.P1 to P8. The 1st respondent examined DW1. The trial Court, after sifting and weighing the evidence on record, acquitted the 1st respondent u/s.255(1) Cr.P.C. Against that judgment of acquittal, the defacto complainant preferred this Criminal Appeal.

2. The learned counsel appearing for the appellant submitted that during the pendency of this appeal, the 1st respondent died. In the light of the above submission, this Court obtained a report through S.I. of Police, Kothamangalam and directed to produce the Death certificate. Today, the learned Public Prosecutor handed over a copy of Death Certificate issued by Maradu Grama Panchayat, in which it is reported that the accused died on 12.1.2008 and the death certificate is marked as Ext.C1.

In the circumstances, the appeal is dismissed as abated.

P.D. RAJAN, JUDGE.

acd

