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. 1034 of 2003 ( )

AGAINST THE JUDGMENT IN ST. NO.2486/1999 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,THRISSUR DATED 15-06-2002.

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APPELLANT/COMPLAINANT:

JOSE NELLANGARA, AGED 39,
S/O.ANTONY, PROPRIETOR,
PALETTE ADVERTISING COMPANY,
VIMALA BUILDING, RICE BAZAR,
THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS/ACCUSED AND STATE OF KERALA:

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1. **VISWAKARMA SWARAMUNI,**
   S/O.KALYANAYOGAM BUREAU,
   K.R.P. LODGE, ROOM NO.14 F,
   POST OFFICE ROAD, THRISSUR.

2. **STATE OF KERALA,**
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA AT ERNAKULAM.

R1 BY ADVS. SRI.U.RAVISANKAR,
SRI.PEARLY JOSE.
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.1034 OF 2003

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Dated this the 28th day of September, 2015

JUDGMENT

This is an appeal filed by the complainant in ST No.2486/1999 on the file of the Judicial First Class Magistrate's Court-1 Thrissur against the order of acquittal passed in that case.

2. The case was taken on file on the basis of a private complaint filed by the appellant under Section 138 of the Negotiable Instruments Act. After enquiry, the court below found the 1st respondent not guilty and acquitted him of the charge leveled against him under Section 255(1) of the Code of Criminal Procedure. Dissatisfied with the same, the appellant filed the above appeal with leave petition as Crl. L.P.No.104/2003 and leave was granted and the appeal was admitted to file.

3. When the appeal came up for hearing today, it is seen from the note put by the office that the same appellant had filed another appeal as Crl.Appeal No.

233/2003 before this court and that appeal was dismissed for default by this court as per order dated 4.4.2012. No steps have been taken for restoring that appeal. Since the appellant had already filed another appeal as Crl.Appeal No. 233/2003 and that appeal was dismissed, another appeal against the same judgment is not maintainable and so the present appeal is liable to be dismissed.

So the appeal is dismissed as not maintainable in view of the fact that the appellant had already filed another appeal which was dismissed for default by this court.

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

Sd/-
K.RAMAKRISHNAN, JUDGE

SKV