

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.D.RAJAN**

**MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937**

**CRL.A.No. 125 of 2004 ( )**  
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**AGAINST THE ORDER IN CC 128/2003 of JMFC-V, TVM (SPL.COURT-MARKLIST  
CASES) DATED 20-11-2003**  
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**APPELLANT(S)/COMPLAINANT.:**  
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**S.HAFEEES,  
PANAVOOR PUTHEN VEEDU,  
VETTU ROAD, KANIYAPURAM P.O.  
THIRUVANANTHAPURAM. DISTRICT.**

**BY ADVS.SRI.G.P.SHINOD  
SRI.RAM MOHAN.G.  
SRI.MANU V.**

**RESPONDENT(S)/ACCUSED AND STATE.:**  
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**1. SHIHABUDEEN M,  
S/O.MOHAMMED BASHEER ASAN,  
MANAVATTY FASHION JEWELLERY,  
KONATHU SHOPPING, COMPLEX,  
POTHENCODE, THIRUVANANTHAPURAM DISTRICT.**

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

**R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27-07-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**STK**

**P.D. RAJAN, J.**

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**Crl. Appeal 125 of 2004**  
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**Dated this the 27<sup>rd</sup> day of July, 2015**

**JUDGMENT**

This appeal is preferred against the order dated 20.11.2003 by the Judicial First Class Magistrate-V (Special Court for Marklist Cases), Thiruvananthapuram. On 20.11.03, the complainant and accused were absent. The learned counsels of both the sides were also absent. No representation. On that day, when case was posted for evidence of the complainant, no further time was ordered. In this circumstances, accused was acquitted under Section 256 (1) Cr.P.C.

After filing this appeal, special leave was granted by this court on 5.1.2004. This court directed to take steps against the first respondent. The appellant failed to take steps in the correct address and admitted that the first respondent accused is now abroad and no possibility to get the address. Recently, he seeks further time. Since the incident was occurred in the year 2001 and the appellant is not interested in prosecuting the first respondent in time, this appeal is dismissed for non-prosecution.

Sd/-

**P.D. RAJAN,  
JUDGE**

STK

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P.A. TO JUDGE