

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. 392 of 2004 ()

AGAINST THE ORDER IN CC 233/2000 of J.M.F.C.- II, KOLLAM

APPELLANT(S)/PETITIONER/COMPLAINANT:

**M.G.SURESH S/O. GANESHAN, RESIDING AT
KOCHUPALLI LANE, THAMARAKULAM, KOLLAM.**

BY ADV. SRI.R.S.KALKURA

RESPONDENT(S)/RESPONDENTS/ACCUSED:

**1. SIVARAJAN, SOUTHERN AYURVEDIC SUPPLIES,
BEACH ROAD, NEAR HOTEL AMBADI, KOLLAM-1.**

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

R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

**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.

Crl. Appeal 392 of 2004

Dated this the 27rd day of July, 2015

JUDGMENT

This appeal is preferred against the order in C.C.No.233/2000 of the Judicial First Class Magistrate-II, Kollam. Appellant was absent on 10.01.2003. There was no representation of the complainant/appellant on that date. Hence, the first respondent/accused was acquitted under 256 (1) Cr.P.C. by the trial court.

After filing this appeal, several directions were issued to the appellant to serve notice to the first respondent. Notice was sent through CI of Police, Kollam East and thereafter he could not serve the notice to the first respondent. On 9.7.15 this court directed the appellant to furnish the correct address of the first respondent. No attempt was made by the appellant to comply the above direction. In this circumstances, this appeal is dismissed for non-prosecution.

STK

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.D. RAJAN,
JUDGE