

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CRL.A.No. 550 of 2004 ()

AGAINST THE JUDGMENT IN CC 209/2000 of J.M.F.C.-II, KOCHI DATED
22-08-2003

AGAINST THE JUDGMENT IN CrI.L.P. 36/2004 of HIGH COURT OF KERALA
DATED 22-01-2004

APPELLANT/COMPLAINANT:

M/S.SARASWATHI AGENCY, BAZAAR ROAD,
KOCHI REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
SRI.SHAJI BERLY, S/O.BERLY O.J., ODATHEKAL HOUSE
VENGOLPARAMBU ROAD, NARAKKAL, ERNAKULAM DISTRICT.

BY ADV. SRI.MANU MOHAN

RESPONDENT(S)/ACCUSED AND STATE:

1. M/S.NAMBOTHIL OFFSET, NEAR K.S.R.T.C
BUS STAND, MAVELIKKARA-690 103 REPRESENTED
BY ITS EXECUTIVE PARTNER.

2. M/S.NAMBOTHIL PAPER MART AND BOOK STALL
NEAR K.S.R.T.C BUS STAND, MAVELIKKARA - 690 103.

3. STATE OF KERALA REPRESENTED BY
PROSECUTOR, HIGH COURT OF KERALA, KOCHI - 31.

BY PP SMT SEENA RAMAKRISHNAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.D.RAJAN, J

.....
Crl.Appeal No.550 of 2004

.....
Dated 21st July, 2015

JUDGMENT

This appeal is preferred against the judgment in C.C.209 of 2000 of Judicial First Class Magistrate II, Kochi which was filed under Section 138 of N.I.Act. On 22.8.2003, the complainant was absent and his counsel was also absent. The personal appearance of the complainant could not be dispensed with and on that ground, the accused was acquitted under Section 256(1) Cr.P.C. On 21.1.2004, special leave was granted and this appeal was admitted on 1.4.2004. This court directed the appellant to issue notice to the respondent. Even after specific direction, there was no representation from the side of the appellant.

Today also when the matter came up for hearing, there is no representation and no steps taken so far. Hence this appeal is dismissed for non prosecution.

P.D.RAJAN, JUDGE

lgk