

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

CRL.A.No. 837 of 2004 ()

AGAINST THE ORDER IN CC 623/2000 of J.M.F.C.-I, ALUVA
DATED 31-12-2003

LEAVE GRANTED IN CRL.L.P.NO.121 OF 2004 ON 12-02-2004

APPELLANT(S)/COMPLAINANT::

M/S. SOHNA INTERNATINOAL, SOHNA,
PAYYAPPILLY LANE, BYE-PASS, ALUVA-683 101
REP. BY ITS PROPRIETOR SRI.M.A. ABDUL SALAM
S/O. ABDUL KAREEM.

BY ADV. SRI.K.A.SHAMSUDEEN

RESPONDENT(S)/ACCUSED::

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1. SRI. V. DACHENA MOORTHY,
MANAGING DIRECTOR, SUNTEX PRIVATE LIMITED
S.F.NO.446/2B, AVANASHILLINGAMPALAYAM
PALAZAKARAI POST, AVINASHI-638 654.
 2. M/S. SUNTEX PRIVATE LIMITED,
REP. BY ITS MANAGING DIRECTOR
SRI.V. DACHENA MOORTHY, S.F.NO.446/2B
AVANASHILLINGAMPALAYAM, PALAZKARAI POST
AVAINAISHI-638 654.
 3. THE STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl. Appeal No.837 of 2004

Dated this the 3rd day of August, 2015

JUDGMENT

This appeal is preferred against the order in C.C.No.623/2000 of the Judicial First Class Magistrate Court-I, Aluva. The appellant filed a complaint in the Judicial First Class Magistrate Court-I, Aluva under Section 138 of the Negotiable Instruments Act. The accused, who is the 1st respondent appeared in the trial Court and he pleaded not guilty. After recording the evidence of PW1, there was no appearance from the side of the appellant. The 1st respondent was also absent. Hence, the Court below cancelled the bail and issued Non Bailable Warrant against the 1st respondent.

In the circumstances, the trial Court acquitted the 1st respondent. Against that order, the appellant approached this Court to grant leave to file the appeal. Accordingly, the leave was granted on 12.2.2004.

2. Even though notice was ordered on 28.6.2004 in the appeal, process was not filed. Again, by order dated 29.11.2010, this Court directed the appellant to cure the defect. In spite of specific direction, no steps were taken. On 15.11.2012, the Registrar (Judicial) granted two weeks' time to take fresh steps. Since no steps were taken within that time, again the case was posted before Court on 15.7.2015. On that day, this Court passed the following order:

"Appellant absent. No representation. In spite of specific direction, no steps have been taken so far. Include in the disposal list. Post on 24.7.2015."

Even after several postings, no steps were taken so far.

Hence, this appeal is dismissed for non-prosecution.

P.D. RAJAN, JUDGE.

acd

