

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

CRL.A.No. 826 of 2006 ()

CC 127/2003 of J.M.F.C.-III(MOBILE),EKM

Crl.L.P. 155/2006 of HIGH COURT OF KERALA

APPELLANT(S)/COMPLAINANT:

**MOTOR & GENERAL FINANCE (INDIA) LTD.,
THAMPY'S BUILDING, M.G.ROAD, ERNAKULAM
REP. BY ITS POWER OF ATTORNEY HOLDER, T.J.THOMAS.**

BY ADV. SRI.G.HARIHARAN

RESPONDENT(S)/ACCUSED AND STATE:

- 1. K.C.VICTOR,
KELENCERRY HOUSE, KATTANAM, NEELESWARAM
KALADY, ERNAKULAM DISTRICT.**
- 2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

sab

P.UBAID, J.

Crl. Appeal No. 826 of 2006

Dated this the 20th day of May, 2015.

J U D G M E N T

The appellant herein challenges a judgement of acquittal under Section 138 of the Negotiable Instruments Act on the ground that the person who brought complaint does not have any authority to represent the complainant. The appellant has been consistently absent. Today also the appellant is absent, and there is no representation on his side. There is a report from the court below that the case records in C.C No.127 of 2003 stand destroyed in July 2012. Thus the lower court records are not now available for perusal. Anyway, the appellant is consistently absent. This is not an appeal challenging conviction, but an appeal challenging acquittal. Such an appeal will have to be dismissed for default when the appellant is not interested in prosecuting the appeal. Hence this Crl.Appeal is dismissed due to non prosecution.

Sd/-
P.UBAID,
JUDGE