

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. 1340 of 2004 ()

AGAINST THE JUDGMENT IN CC 502/1999 of ADDL.C.J.M.(E&O), ERNAKULAM

AGAINST THE JUDGMENT IN CrI.L.P. 411/2004 of HIGH COURT OF KERALA
DATED 19-07-2004

APPELLANT/PETITIONER

I.K.YOHANNAN, ILLICKAL HOUSE,
CHITHRAPPUZHA, IRUMBANAM, ERNAKULAM DIST.

BY ADV. SRI.MATHEWS K.PHILIP

RESPONDENT(S) /RESPONDENTS

1. K.ELANGO, S/O.A.S.KUTHALINGAM,
AYYAPPURAM POST, THENKASI TALUK, NELLAIKOTTABOMAN
DIST.

2. THE STATE OF KERALA, REP. BY THE
GOVERNMENT PLEADER, HIGH COURT OF KERALA, ERNAKULAM.

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.1340 of 2004
.....

Dated 21st July, 2015

JUDGMENT

This appeal is filed against the judgment in C.C.No.502 of 1999 of Additional Chief Judicial Magistrate, Economic offences, Ernakulam. The above case was filed under Section 138 of N.I.Act against the first respondent. On 14.5.2004, the case was posted for hearing, complainant was absent and there was no representation. Learned counsel appearing for the complainant was also absent. Trial court observed that no purpose would be served in adjourning the case further. In the circumstances, accused was acquitted invoking Section 256(1) Cr.P.C. For filing this appeal, leave was granted on 19.7.2004. After obtaining leave, this appeal was admitted on 18.6.2004 and appellant was directed to take steps against the first respondent. Even after giving several opportunities, no steps are taken against the first respondent. No process filed till 3.6.2011. On 11.6.2012, it was represented that the appellant was ready to take steps within two weeks and accordingly two weeks' time was granted on 13.6.2012. Even after that, no steps were taken. Since the acquittal was in the year 2004, the complainant is not interested in giving notice to

the first respondent. A connected appeal No.1168 of 2009 was disposed of by this court on 12.9.2012 on the ground of non prosecution. Hence, this case also deserves dismissal on the ground of non prosecution.

In the result, this appeal is dismissed for non prosecution.

P.D.RAJAN, JUDGE

lgk