

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

CRL.A.No. 1659 of 2004 ()

AGAINST THE JUDGMENT IN CrI.L.P. 622/2004 of HIGH COURT OF KERALA
DATED 06-10-2004

AGAINST THE JUDGMENT IN CC 204/2003 of J.M.F.C.-II (MOBILE), KOTTAYAM

APPELLANT/COMPLAINANT:

DR.P.R.SAMIYATH, PROPRIETOR,
M/S.V.PUBLISHERS BOOK STALL, COLLEGE ROAD, KOTTAYAM
REPRESENTED BY THE, POWER OF ATTORNEY HOLDER
V.K.MOOSAKUTTY.

BY ADVS.SRI.SAIGI JACOB PALATTY
SRI.SABU GEORGE

RESPONDENT(S)/ACCUSED AND STATE:

1. C.MOHANDAS, PRINCIPAL,
ST.DAVID ALPHA ENGLISH MEDIUM SCHOOL, AYROOR
PATHANAMTHITTA.

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

R, BY ADV. PUBLIC PROSECUTOR SMT SAREENA GEORGE

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 11-08-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.D.RAJAN, J

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Crl.A.No.1659 of 2004

.....
Dated 11th August 2015

JUDGMENT

This appeal is preferred against the order in C.C No.204 of 2003 of Judicial First Class Magistrate II, Kottayam. The above case was filed under Section 138 of N.I.Act. On 31.7.2004, the case was posted for hearing. On that day, the complainant was absent. No representation. No steps taken against the complainant and the accused was continuously absent. In the circumstance, even after several postings, the accused was acquitted under Section 256(1) Cr.P.C. Against that acquittal, the complainant preferred this appeal after obtaining special leave.

2. Today, when the matter came up for hearing, learned counsel appearing for the appellant submitted that no instructions about the complainant and even after several intimation sent to the appellant, he has not turned up. He submits that the appeal may be dismissed for non prosecution. Hence this appeal is dismissed for non prosecution.

P.D.RAJAN, JUDGE

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