

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.D.RAJAN**

**THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937**

**CRL.A.No. 1749 of 2005 ( )**  
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**AGAINST THE ORDER IN CC 550/2003 of J.M.F.C.-V, KOZHIKODE  
DATED 13-04-2004**  
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**APPELLANT(S)/COMPLAINANT:**  
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**JOSCO AGENCIES,  
8/50 MOONALINGAL,  
CALICUT-673 032,  
REPRESENTED BY POWER OF ATTORNEY,  
HOLDER, K. RAMKUMAR,  
S/O.KRISHNA PILLAI.**

**BY ADVS.SRI.T.M.RAMAN KARTHA  
SRI.MANJU R.KARTHA**

**RESPONDENT(S)/ACCUSED & STATE:**  
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- 1. K.P.SAJEEV, PROPRIETOR,  
ALLEPPEY TRADE LINKS,  
AVALOOKUNNU P.O.,  
ALAPPUZHA DISTRICT.**
- 2. STATE OF KERALA, REPRESENTED BY  
PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM.**

**R2 BY ADV. PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16-07-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**STK**

**P.D. RAJAN, J.**

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**C.R.A.No.1749 of 2005**  
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**Dated this the 16<sup>th</sup> day of July, 2015**

**JUDGMENT**

This appeal is preferred against the order of acquittal in C.C.550/2003 of Judicial First Class Magistrate-V, Kozhikode which was filed under Section 138 of the Negotiable Instruments Act. On 13.04.2004, complainant was absent, the counsel for the complainant was also absent. No representation and the trial court acquitted the accused under Section 256(1) Cr.P.C.

This appeal is filed in the year 2005. After filing this appeal several directions were given to the appellant to take steps against the first respondent, but he neither furnished the correct address of the first respondent nor remitted the process fee. On 12.12.14, it was instructed to the learned counsel appearing for the appellant to take instruction whether appellant wants to prosecute the case any further. Even after that direction also, no step was taken. Today, when the case is taken up for consideration, the appellant is absent. The learned counsel for the appellant is also absent. No representation. In the light of the non-compliance of the directions, it is presumed that appellant is not interested in prosecuting the matter. The appeal is dismissed for non-prosecution.

**P.D. RAJAN,  
JUDGE**

STK

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P.A. TO JUDGE