

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

CRL.A.No. 1554 of 2009 ()

**AGAINST THE ORDER IN CrI.L.P. 592/2009 OF HIGH COURT OF KERALA
DATED 30-07-2009**

**AGAINST THE ORDER IN S.T.73/2009 IN CC 2352/2006 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-IV, KOLLAM DATED 30-05-2009**

APPELLANT/COMPLAINANT:

**GHEEVARGHEESE, M/S.BETHEL CASHEW
COMPANY, NALLILA, KOLLAM.**

BY ADV. SRI. K.SHAJ

RESPONDENT/ACCUSED AND STATE:

**1. HASHIM, HOUSE NO.86,
KILIKOLLOR, SASTHE NAGAR, KOIKKAL
KOLLAM.**

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

**R1 BY ADV. SRI.C.RAJENDRAN
R2 BY PUBLIC PROSECUTOR SRI. GITHESH R.**

**THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 11-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

shg/

K. ABRAHAM MATHEW, J.

Crl.A.No.1554 of 2009

Dated this the 11th day of February, 2015

J U D G M E N T

The appellant was the complainant and the first respondent the accused in S.T.No.73/2009 on the file of the Judicial First Class Magistrate Court-IV, Kollam. On 30.5.2009 the learned Magistrate recorded: "Accused present. Complainant is called absent, no representation. Many chances were given to the complainant but he did not turn up. Hence the case is posted for disposal. Today also the complainant is absent. Hence it is not possible to proceed with the case". Accordingly, he passed an order of acquittal under Section 256 (1) Cr.P.C. This is challenged.

2. Heard the learned counsel for the appellant and the learned counsel for the first respondent.

3. I have perused the proceedings sheet in the case. After the plea was recorded the appellant did not turn up in the trial court. There were six postings for his evidence.

There was not even representation for him. The learned Magistrate was fully justified in passing the order of acquittal. No interference is called for.

In the result, this Criminal Appeal is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/