

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

**PRESENT:**

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

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**CRL.A.No. 2397 of 2006 ( )**  
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**AGAINST THE JUDGMENT IN CC 552/2000 of J.M.F.C., ALATHUR**  
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**APPELLANT(S)/COMPLAINANT.:**  
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**USHA, W/O. RAJAGOPALAN,  
PATHAYAPURA HOUSE,  
KAIPPANCHERY, NENMARA,  
CHITTOOR, PALAKKAD DISTRICT.**

**BY ADV. SRI.BABU S. NAIR**

**RESPONDENT(S)/STATE & ACCUSED.:**  
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**1. THE STATE OF KERALA, REPRESENTED BY  
THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM, KOCHI-31.**

**2. SREENIVASAN @ RAJESH,  
S/O.RAMACHANDRAN, S.R.U.P.SCHOOL,  
KOLAPPADAM,  
KUNISSERY, ALATHUR,  
PALAKKAD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 23-07-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**STK**

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

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**C.R.A.No.2397 of 2006**  
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**Dated this the 23<sup>rd</sup> day of July, 2015**

**JUDGMENT**

This criminal appeal is preferred against the judgment in C.C.552/2000 of the Judicial First Class Magistrate Court, Alathur. The above case was preferred on the basis of a complaint filed by the de-facto complainant alleging offence punishable under Sections 342, 294(b) and 354 IPC. The de-facto complainant examined PW1 to 3 and marked Exts.P1 and P1(a). The accused/respondent examined DW1 and 2. The trial court after sifting and weighing the evidence on record acquitted the accused under Section 248(1) Cr.P.C, against that de-facto complainant preferred this appeal after obtaining special leave.

This appeal was admitted on 13.12.2006 and thereafter this court directed to issue notice to first respondent. Notice was sent to the first respondent on 21.12.2006 through C.I. Of Police, Alathur with a hearing date 2.1.2007. Subsequently, on 5.10.2012 also this court directed to issue notice. On 17.12.12 notice was issued. Thereafter no steps were taken in the correct address. The allegations made in this case was considered by the trial court in detail, in the absence of

convincing evidence about the alleged incident, the accused was acquitted. There was a lapse from the side of the appellant in taking proper steps in the correct address, which means that she is not interested in prosecuting the matter. The incident was occurred in the year 2000, after a lapse of 15 years, there is no meaning in retaining this appeal without giving notice to the second respondent. In the circumstance, this appeal is dismissed for non-prosecuting.

STK

Sd/-  
**P.D. RAJAN,**  
**JUDGE**

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P.A. TO JUDGE