

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

CRL.A.No. 2260 of 2008 ()

AGAINST THE JUDGMENT IN Cr1.L.P. 1479/2008 of HIGH COURT OF KERALA
DATED 16-09-2008

AGAINST THE JUDGMENT IN CC 237/2003 of J.M.F.C.-I, KOZHIKODE DATED
16-10-2006

APPELLANT/COMPLAINANT::

T.V.ABDUL KAREEM, S/O.KUNHALAN,
AL-NAJAM, CHALAYIL ROAD, MANKAVU
KOZHIKODE DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE AND ACCUSED::

1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
KOCHI-31.

2. SAJAN VARGHESE, CHIEF EXECUTIVE,
AISWARYA RELEASE, XL/8076, VALIYAVEETIL COMPLEX
CHITTOOR ROAD, COCHIN-18.

BY PP SMT SEENA RAMAKRISHNAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 24-07-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.D.RAJAN, J

.....
Crl. A.No. 2260 of 2008

.....
Dated 24th July, 2015

JUDGMENT

This appeal is preferred against the judgment in C.C.237 of 2003 of the Judicial First Class Magistrate-I, Kozhikode by the defacto complainant. He filed the above case under Section 138 of the N.I.Act. In the trial court, defacto complainant examined PW1 and 2 and produced Ext.P1 to P18 as documentary evidence. The accused denied the transaction and contended that Ext.P1 was issued not in discharge of a debt or liability. For substantiating that contention, Ext.D1 to D6 were marked. Trial court after analysing the evidence, acquitted the accused under Section 255(1) Cr.P.C. Against that, the defacto complainant approached this court with this appeal after obtaining special leave.

2. After filing this appeal, several directions were issued to the appellant to take steps against the second respondent. Even after earnest efforts, he could not find out the second respondent. Today, he submitted that there is no possibility for getting address of the second respondent since he closed the firm and the present whereabouts of the second respondent are not known. In the circumstances, this appeal is dismissed on the ground of non prosecution.

P.D.RAJAN, JUDGE

lgk