

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

CRL.A.No. 252 of 2014 ()

ST 29/2012 of JUDICIAL MAGISTRATE OF THE I CLASS,ADIMALI DATED
07-12-2013

APPELLANT:

K.P. SASIDHARAN NAIR
S/O.PARAMESWARAN NAIR, KOLLAMKUDIYIL VEEDU
ANAVIRATTY PO, ADIMALY, IDUKKI DISTRICT

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:

1. C.P. RAJESH
CHERUKUZHIIYIL VEEDU
NEAR SR.VIVEKANANDA ENGLISH MEDIUM SCHOOL
ADIMALY PO, MANNAMKANDOM VILLAGE, DEVIKULAM TALUK
IDUKKI DISTRICT - 685 586

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031

BY PUBLIC PROSECUTOR SRI. GITHESH. R.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

smv

K. ABRAHAM MATHEW,J.

Crl.Appeal No. 252 of 2014

Dated this the 13th day of February, 2015

J U D G M E N T

The appellant is the complainant and the respondent the accused in S.T.No.29 of 2012 on the file of the Judicial First Class Magistrate Court, Adimaly. The allegation was that the latter committed the offence under Section 138 of the Negotiable Instruments Act. On 07.12.2013 the learned Magistrate acquitted the respondent for the reason that the appellant was absent to give evidence. The order of acquittal is challenged.

2. Heard.

3. The case came up for evidence on 06.07.2013, on which date there was no sitting. The case was adjourned and posted to 17.08.2013. Both parties were absent. The case was adjourned to 05.10.2013, on which date both parties were absent. On the next posting date also both were absent and the learned Magistrate acquitted the respondent.

4. The learned counsel submits that both parties did not appear in court because there was an attempt to settle the matter. In spite of notice, the respondent has not appeared in court.

Having regard to the facts of the case, I think one more

opportunity may be given to the appellant to adduce evidence. But he will deposit Rs.1,000/- (Rupees One thousand only) to the credit of the High Court Legal Services Committee within one week.

Posted to 23.02.2015.

Sd/-

K. ABRAHAM MATHEW, JUDGE

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P.A. to Judge

smv