

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

CRL.A.No. 747 of 2014 ()

**AGAINST THE ORDER IN CrI.L.P. 158/2014 OF HIGH COURT OF KERALA
DATED 10.7.2014**

**AGAINST THE ORDER IN C.C.NO.296/2011 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, KATTAPPANA DATED 22.8.2012**

APPELLANT/COMPLAINANT:

**KURIYAN T.K., AGED 52
S/O.KURUVILA, THURUMBUNKAL HOUSE, KALTHOTTI P.O.
SWARAJ, IDUKKI DT., PIN 685507.**

BY ADV. SRI.P.V.JEEVESH

RESPONDENT/ACCUSED:

**1. REGHUNATHAN, AGED 46 YEARS
VETERINARY DOCTOR, OLIKKAL HOUSE, KATTAPPANA P.O.
IDUKKI DT., PIN 685 508.**

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

**R1 BY ADVS. SRI.A.A.ZIYAD RAHMAN
SRI.LAL K.JOSEPH
SRI.V.S.SHIRAZ BAVA
SRI.P.M.ZAFARULLAH**

R2 BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

shg/

K. ABRAHAM MATHEW, J.

Crl.A. No.747 of 2014

Dated this the 2nd day of March, 2015

J U D G M E N T

The appellant was the complainant in C.C.No.296/2011 on the file of the Judicial First Class Magistrate Court, Kattappana. On 22.8.2012 the learned Magistrate by the impugned order acquitted the first respondent/accused for the reason that the appellant was absent.

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

3. A perusal of the proceeding sheet of the trial court shows that the plea of the first respondent was recorded on 23.7.2011 and the case was adjourned for his evidence to 13.10.2011. From 13.10.2011 to 22.8.2012 the date on which the impugned order was passed there were seven postings. The appellant did not appear even on a single posting date. The learned counsel submits that the appellant was under treatment for chronic rheumatic arthritis. He relies on a certificate issued by a doctor about

one year after the disposal of the matter. This cannot be taken into consideration. The proceedings became a punishment for the first respondent. I do not find any merit in this appeal.

In the result, this appeal is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/