

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.Rev.Pet.No. 60 of 2002 (C2)

AGAINST THE ORDER IN CC 219/2000 of C.J.M.,THODUPUZHA, MUTTOM
DATED 15-9-2001

REVISION PETITIONER(S)/COMPLAINANT::

KOCHURANI JOSE, W/O. JOSE,
CHATHAMKANDAM HOUSE, KANJIRAMATTOM BHAGOM, THODUPUZHA,
REPRESENTED BY POWER OF ATTORNEY HOLDER, C.V.JOSE,
CHATHAMKANDOM HOUSE, KANJIRAMATTOM, THODUPUZHA.

BY ADV. SRI.R.SUDHEER

RESPONDENT(S)/ACCUSED::

K.J.FRANCIS, KALLIRICKAL HOUSE,
SOUTH CHITTOOR, KOCHI.

BY ADV. SRI.PAULY MATHEW MURICKEN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

Crl.R.P. No.60 of 2002

Dated this the 3rd day of June, 2015.

O R D E R

The revision petitioner is the complainant in C.C. No.219/2000 on the files of the Chief Judicial Magistrate's Court, Thodupuzha. The above complaint was filed alleging offence punishable under Section 138 of the Negotiable Instruments Act, 1881. On 15.9.2001, when the case was called, the complainant was present and the accused was absent. On the previous posting date, i.e. on 7.7.2001, Non Bailable Warrant was issued to the accused. Subsequently, when the case was called on 15.9.2001, it was found that the complainant had not taken steps to issue warrant. Hence the complaint was dismissed under Section 204(4) of the Cr.P.C. This is the grievance highlighted in this revision petition.

2. Going by the impugned order under challenge,

it is seen that Non Bailable Warrant against the accused was ordered on 7.7.2001. But the revision petitioner has not paid process fee to issue warrant. In that context, the court below has dismissed the complaint for non-prosecution. I do not find any illegality or impropriety in the impugned order under challenge. Hence this revision petition will stand dismissed.

Sd/-
K. HARILAL, JUDGE

okb.