

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.Rev.Pet.No. 185 of 2005 ()

**AGAINST THE JUDGMENT IN CRL.A 212/2004 of D.C. & SESSIONS
COURT, THALASSERY DATED 15-06-2004**

**AGAINST THE JUDGMENT IN MC 129/2000 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR**

REVISION PETITIONER(S)/APPELLANT/SURETY NO.1:

**RENNY JOSEPH, S/O.JOSEPH,
VIJAYAGIRI, KAPPIMALA (P.O), KANNUR DISTRICT.**

BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV.SMT.V.H.JASMINE, PUBLIC PROSECUTOR

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
10-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

R.AV

K.RAMAKRISHNAN, J

CRL.R.P.NO.185 OF 2005

Dated this the 10th day of April, 2015

O R D E R

Counter petitioner No.1 in M.C.No.129/2000 on the file of the Judicial First Class Magistrate Court, Payyannur, is the revision petitioner herein.

2. The accused in CC.No.339/1998 on the file of the Judicial First Class Magistrate Court, Payyannur was released on bail on 02.06.1998 on executing a bond for Rs.10,000/- with the revision petitioner and one Gopalan as sureties. But, later the accused absconded. So, the learned Magistrate forfeited the bond and initiated proceedings under section 446 of the Code of Criminal Procedure as M.C.No.129/2000 against the sureties. Though, notice was sent to them, it was returned stating that they are not aware in that address. So, the learned Magistrate imposed the entire bond amount of Rs.10,000/- as penalty each against the counter petitioners and also it is further directed that if the amount is not paid or could not be recovered they are directed to be retained in civil prison for four months each. Aggrieved by the same, the present revision petitioner filed Crl.Appeal No.212/2004 before the Sessions Court, Thalasserry along with delay condonation application. Since the appeal was filed with delay, the learned Sessions Judge dismissed the

application for condonation of delay and consequentially dismissed the appeal also. Aggrieved by the same, the present revision has been filed.

3. Though, it was posted on 08.04.2014 for hearing there was no representation and it is posted to today in the disposal list. Even today, there was no representation. However, considering the nature of the case, this court felt that the revision itself can be disposed of after hearing Smt.Jasmine, public prosecutor appearing for the State. It is seen from the order that proceedings paper, that there was a direction to produce the order in Crl.M.P.660/2004 in Crl.Appeal No.212/2004, which appears to be application for condonation of delay and the order was dated 11.02.2005. Again it was posted to 24.03.2005, it is seen that the order has not been produced so far even today. So, this court felt that the petitioner is not interested in prosecuting the case and since the order in the delay petition, which was dismissed by the appellate court consequentially dismissing the appeal is under challenge without producing the order of the court below on the delay application, it cannot be said that the filing of the revision is in order. So, the revision is dismissed for non complying with the direction to produce the order of the trial court in spite of opportunity was given.

Office is communicate this order to the court below
at the earliest.

Sd/-
K.RAMAKRISHNAN, JUDGE

R.AV

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PA TO JUDGE