

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.Rev.Pet.No. 197 of 2005 (D)

CC 1434/1999 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

REVISION PETITIONER(S)/COMPLAINANT:

M.K. SANJEEV, AGED 40 YEARS,
S/O. LATE M.A.KESAVAN, MULAKAL VEEDU, MUTTITHATI KARA
THRICHUR, MANAGING DIRECTOR
SHREYAS GROUP OF COMPANIES, 57/811/25
LALY BHAVAN, CHITTOOR ROAD, ERNAKULAM.

BY ADVS.SRI.K.R.KURUP
SRI.C.R.VINOD KUMAR

RESPONDENT(S)/STAE AND ACCUSED:

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1. STATE OF KERALA
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
 2. JIJIMON, NAMBIATHUSSERRY VEEDU,
ERAMALLOOR, CHERTHALA.

BY ADV. SRI.C.N.SREEKUMAR FOR R2
BY ADV. SRI.K.MANOJ CHANDRAN FOR R2
BY ADV. SRI.P.R.AJITHKUMAR FOR R2
PUBLIC PROSECUTOR SMT.M.G. LISHA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

Crl.R.P.197 of 2005

Dated 19th August, 2015

ORDER

1. The instant revision petition is preferred by the complainant challenging the order in C.C.1434 of 1999 on the file of the Chief Judicial Magistrate Court, Ernakulam. As per the impugned order, the learned Magistrate had discharged the accused u/s 245(2) of the Cr.P.C.

2. I have perused the order impugned. Paragraph 3 of the order dated 9.11.2004 reads as follows:-

"The accused is on bail. Today, when the complaint was taken up, the complainant was absent and the accused was present. In the previous posting date also the complainant was absent and he was directed to be present for today. All along the previous posting, the complainant remained absent. counsel for the complainant applied and the application is disallowed. Continuous lethargic attitude of the complainant is a ground to hold that the

charge levelled against the accused is groundless. No evidence is adduced. The case cannot be proceeded with. Further trial of the accused is an abuse of process of Court.:

It was on that basis, that the learned Magistrate had passed the impugned order.

3. Before this Court, the revision petition had come up for hearing on 7.8.2015, 10.8.2015, 11.8.2015, 12.8.2015, 13.8.2015, 17.8.2015 and finally today. There was none to represent the petitioner.

In view of the above, I do not find any reason to interfere with the impugned order. Hence, the revision petition is dismissed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge