

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.Rev.Pet.No. 1202 of 2015 ()

CRA 445/2014 of II ADDL.DISTRICT COURT,ERNAKULAM
CC 4939/2010 of J.F.C.M - VI, ERNAKULAM

REVISION PETITIONER/RESPONDENT/COMPLAINANT:

T.P.SUNIL, PROPRIETOR,
S/O.PUSHPANGATHAN, AGED 41 YEARS
ONYX VISION, 1ST FLOOR
PALLATH BUILDING
LISSY PULLEPADY ROAD, KOCHI 18.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENT/RESPONDENT/COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT ERNAKULAM 682 031
 2. MR.PEETHAMBARAN, S/O.SREEDHARAN
9A (1/35) VATHIKATTU, 8
ARYAD PANCHAYATH, PIN 688 006.

R1 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1202 of 2015

Dated this the 29th day of September 2015

O R D E R

When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that this revision petition is not pressed. The order under challenge in this petition is an order passed by the court below acquitting the accused in a case filed under Section 138 of the N.I. Act. The remedy of the complainant in such a case is to challenge the order of acquittal under Section 378(4) Cr.P.C. In view of the provisions of Section 378(4) Cr.P.C., this revision petition is not maintainable. Since the special leave has to be obtained under Section 378(4)

Cr.P.C. before filing the appeal, the provisions of Section 401(5) Cr.P.C. are also not applicable to this case.

In the result, this revision petition stands dismissed as not maintainable.

Office is directed to return the copy of the judgments after replacing the same with photocopy.

Sd//

B.SUDHEENDRA KUMAR, JUDGE.

dl

/ True copy /

PA to Judge