

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1363 of 2015 ()

CC 5614/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHALAKUDY

REVISION PETITIONER/COMPLAINANT:

SMT.VIMALA K.B.
W/O.P.S.A.PILLAI, 'AISWARYA', 44/1536
ASHOKA ROAD, KALOOR, ERNAKULAM.

BY ADVS.SRI.JAI GEORGE
SMT.DAISY A.PHILIPOSE

RESPONDENT(S)/ACCUSED:

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1. STATE
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.
 2. SMT. MOLLY DOMINIC
W/O.DOMINIC, 9-L, DD NEST APARTMENT
KATHRUKADAVU-THAMMANAM ROAD, KALOOR, ERNAKULAM-682020.
- R2 BY ADV. SRI.M.H.HANIS
R BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No. 1363 of 2015

Dated this the 21st day of November, 2015.

ORDER

The revision petitioner is the complainant in C.C.No.5614 of 2014 on the files of the Court of the Judicial Magistrate of First Class, Chalakudy. The court below dismissed the above complaint under Section 204 (4) Cr.P.C. Aggrieved by the said order, this revision petition has been filed.

2. Heard.

3. It appears from the proceedings sheet of the court below that the court below had taken cognizance of the offence under Section 138 of the N.I.Act and issued summons to the accused on 31.10.2014. Thereafter, the case was posted to 31.1.2015 and from that date, to 30.3.2015 and from that date, to 30.5.2015. On the above three occasions, the complaint was absent. The steps ordered by the court below were also not taken.

4. The learned counsel for the revision petitioner has

submitted that the learned counsel was hospitalized seriously due to cancer and he had to undergo a chemotherapy immediately. In view of the above reason, the steps could not be taken.

5. Having gone through the contentions in the memorandum of revision petition in the light of the submission of the learned counsel for the revision petitioner, I am of the view that it is only just and proper to grant one more opportunity to the revision petitioner to contest the matter on merits. For the said reason, I am inclined to set aside the order impugned.

In the result, this revision petition stands allowed, setting aside the order impugned and the matter is remitted to the court below for fresh consideration of the complaint in accordance with law. The proceedings of the court below shall stand relegated to the stage prior to the dismissal of the complaint on 30.5.2015. The revision petitioner shall appear before the court below on **15.12.2015**.

B. SUDHEENDRA KUMAR
JUDGE