

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.698 of 2006

T.A.S.Dhandapani
Proprietor of Hall mark fabrics
Reb by his Power agent,
P.Sreedharan

.... Appellant/Complainant

Vs

M.Karthikeyan
Proprietor of Key Vee Garments
12-C, Near SIDCO,
Mariaymman Koil Street,
Anuparpalayam Road,
Tiruppur-52.

.... Respondent/Accused

PRAYER: Criminal Appeal filed under section 378 of Code of Criminal Procedure, to allow this appeal and set aside the judgment of the learned Judicial Magistrate No.1, Tiruppur, dated 31.05.2006 in S.T.C.No.657 of 2005.

For Appellant : No Appearance

J U D G M E N T

The appeal has been preferred by the appellant/complainant against the order passed by the learned Judicial Magistrate No.1 Tiruppur in S.T.C.No.657 of 2005, dismissing the private complaint, since the complainant was absent. The trial Court while dismissing the complaint had recorded that the complainant was absent and there was no representation for the complainant and that, the accused summon was not served due to non payment of process by the complainant.

2. When the appeal had been listed before this Court on 16.02.2018, this Court had directed the appellant to take private notice. The appellant had taken private notice and the notice had been returned un-served with an endorsement stating that, no such person available in the address. This court by an order dated 11.07.2018, had directed the learned counsel for

appellant to find out the correct address of the respondent and take fresh notice returnable by 25.07.2018 and once again on 26.07.2018, this court had directed, the learned counsel for the appellant to find out the correct address of the respondent and take private notice returnable by two weeks.

3. Today, the counsel for the appellant is absent. The private notice taken by the learned counsel for the complainant on the accused has been returned with an endorsement no such person available in the address. The complaint had been dismissed on 31.05.2006 and the appeal had been filed in the year 2006. No steps have been taken by the counsel for the appellant to serve notice on the respondent/accused.

4. It is seen from the records that the appellant is also unable to find out the proper address of the respondent/accused. Thereafter, this Court by order dated 11.07.2018 directed to issue fresh notice returnable by 25.07.2018. No material is available on record to show that fresh steps have been taken by the appellant to serve notice on the respondent/accused.

5. This court is of the opinion, the appellant is not interested in prosecuting the appeal. There is no purpose in keeping the appeal pending without any steps being taken and without the notice being served on the respondent. Hence, the appeal is dismissed for non prosecution.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1, Tiruppur,

2.Do-Thro the Chief Judicial Magistrate,
Coimbatore.

WEB COPY

Cr1.A.No.698 of 2006

EV(CO)
GSP(11/09/2018)