

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 21ST JUNE 2006 / 31ST JYAISHTA, 1928

CRL.A.No. 644 of 2000(B)

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CC.109/1999 of JUDL. MAGISTRATE OF FIRST CLASS-II, KOTTAYAM

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APPELLANT:

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JAYAM MOHANA KUMAR,  
JAYA NIVAS, PALLOM.P.O.,  
NATTAKOM VILLAGE.

BY ADV. SRI.T.K.KUNHABDULLA

RESPONDENTS:

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E.B.NAVEENDRALAL,  
SAYANA VEEDU, THALAYOLAPARAMBU,

STATE OF KERALA REP BY  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, EKM.

BY ADV. SRI.B.JAYAPRAKASH  
PUBLIC PROSECUTOR P.A. RAZIA

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD  
ON 21/06/2006, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**J.M.JAMES, J.**

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**CRL.A. 644/2000**  
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**DATED THIS THE 21ST DAY OF JUNE, 2006**

**JUDGMENT**

Perusal of the records reveal that a complaint, preferred by the appellant, the complainant, before the Judicial Magistrate of First Class-II, Kottayam, was dismissed and the accused was acquitted, as the complainant was absent.

2. In the facts of this case, I am of the opinion that an opportunity be given to the parties, so that the Court below shall consider the matter on merit. Therefore, I set aside the impugned order and restore C.C.No.109/1999 on the file of the Judicial Magistrate of First Class-II, Kottayam.

3. The parties shall appear before the Court below on 26.7.2006. As the case being an old matter, the learned Magistrate shall dispose of it, within four months from the date of appearance, as per the law.

The appeal is allowed as above.

**J.M.JAMES  
JUDGE**

mrCS

**J.M.JAMES, J.**

**CRL.R.P. /200**

Crl.R.P.

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**ORDER**

**DAY OF ,200**