

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**

**&**

**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928**

**CRL.A.No. 701 of 1999**

**CC.NO.301/1998 OF JUDL.MAGISTRATE OF FIRST CLASS, NORTH PARAVUR**

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**APPELLANT/COMPLAINANT:**

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**ASOKAN, S/O. NARAYANAN,  
KOLAMVEED, THEKKUMPURA,  
CHENDAMANGALAM.**

**BY ADV. SRI.P.VISWANATHAN,  
SRI.DINESH R.SHENOY,  
SRI.V.P.K.PANICKER,  
SRI.S.VIDYASAGAR,  
SRI.K.J.SEBASTIAN.**

**RESPONDENT/ACCUSED:**

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**MUHAMMAD JAGEER, SON OF ABDUL KADER,  
THALAKKATTU VEEDU, KIZHAKKUMPURAM,  
CHENDAMANGALAM.**

**BY**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD  
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**J.B.KOSHY, J.**

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Crl.Appeal No.701 OF 1999  
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Dated 28th February, 2007

**JUDGMENT**

This appeal is filed against an order of acquittal. Notice in this appeal was ordered on 5.10.1999, but, it was not served and, therefore, on 14.2.2007 a week's time was allowed to cure the defects. No steps were taken so far. Without serving notice to the accused, an order of acquittal cannot be reversed. Apart from the above, acquittal of the accused, for the absence of complainant, under section 256(1) of the Code of Criminal Procedure cannot be called illegal.

The appeal is dismissed.

**J.B.KOSHY  
Judge**

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