
(2023) 12 KL CK 0089
In the High Court Of Kerala
Case No : Criminal Appeal No. 920 Of 2011

M.R.Sethu

APPELLANT

Vs

Marykutty Thomas

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 255(1)
Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 12 KL CK 0089

Hon'ble Judges : C.S.Dias, J

Bench : Single Bench

Advocate : D.Kishore, A.R.Dileep, George Vargheseperumpallikuttiyl, Seetha.S

Final Decision : Dismissed

Judgement

C.S.Dias, J

1. The appeal is filed challenging the judgment in C.C. No.9/2009 of the Court of the Judicial First Class Magistrate -II, Adoor, acquitting the first respondent under Section 255(1) of the Code of Criminal Procedure. The appellant was the complainant and the first respondent was the accused before the court below.
2. The appellant had filed the complaint alleging that the first respondent had committed an offence under Section 138 of the Negotiable Instruments Act, 1881. The court below, by the impugned judgment, acquitted the accused.
3. It is assailing the said judgment; the appeal is filed.
4. Heard; Sri.D.Kishore, the learned counsel appearing for the appellant.
5. Today, when the appeal was taken up for consideration, the learned counsel appearing for the appellant submitted that the first respondent is no more. Therefore, the appeal has become infructuous. Hence, the appeal may be dismissed as withdrawn. The said submission is recorded.

Resultantly, the appeal is dismissed as withdrawn.