

Manager, vs Tomy Joseph,

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SooperKanoon Citation : sooperkanoon.com/1291147

Court : Kerala

Decided On : Jan-03-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Crl.L.P./222/2019

Appellant : Manager,

Respondent : Tomy Joseph,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR WEDNESDAY,
THE 3RD DAY OF JANUARY 2024 / 13TH POUSHA, CRL.L.P. NO. 222 OF 2019

JUDGMENT DATED 31/12/2018 IN C.C.NO.138/2014 OF JUDICIAL

MAGISTRATE OF FIRST CLASS, CHANGANASSERRY
PETITIONER/COMPLAINANT: MANAGER, BRANCH OFFICE, ESI
CORPORATION, KOTTAYAM. BY ADVS. SRI.ADARSH KUMAR
SRI.SHASHANK DEVAN RESPONDENTS/ACCUSED:

1 TOMY JOSEPH, M/S.KSRTC CANTEEN, HOTEL HILDA,
CHANGANASSERRY, RESIDING AT VALIYAPARAMBIL,

THURUTHI.P.O., CHANGANASSERRY-686535. 2 M/S.KSRTC CANTEN, HOTEL HILDA, CHANGANASSERRY-686535. 3 STATE OF KERALA, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031. THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR

ADMISSION ON 19.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

Dated this the 3rd day of January, 2024

ORDER

1. This is a petition for leave to appeal filed under Section 378(4) of the Code of Criminal Procedure, 1973.

2. The notice issued to the 1 st respondent was

returned with an endorsement 'expired'. The learned counsel for the petitioner confirmed the fact and submitted that the 1st respondent expired on 16.06.2022. The 1st respondent represents the 2nd respondent/concern. Since there is no one else to represent the 2 nd respondent, on account of the death of the 1 st respondent, who is the 1st accused, the charge stands abated. In the circumstances, this petition for leave has become infructuous. Accordingly, recording the fact that the 1st respondent/accused who represents the 2nd respondent/concern, expired, this petition is dismissed as infructuous. Sd/- P.G. AJITHKUMAR JUDGE PV

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