

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2243 of 2015

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ORDER

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The present Criminal Revision Case is directed against the order dated 30.09.2015 passed in Crl.M.P.No.1589 of 2015 in C.C.No.230 of 2013 on the file of III Additional Judicial Magistrate of First Class, Rajahmundry.

2. Heard and perused the material on record.

3. Respondents 2 to 4, who are the wife and sons of the deceased complainant, i.e., first respondent, filed the impugned application under Section 302 Cr.P.C. seeking to permit them to conduct prosecution of the accused in place of the deceased complainant. The trial Court having observed that in view of Section 256(2) Cr.P.C., the petitioners, who are the legal representatives of the deceased complainant, would be permitted to continue the prosecution of the accused on behalf of the deceased complainant allowed the said petition. Aggrieved by the same, the petitioner/accused filed the present revision.

4. Learned counsel for the petitioner/accused contended that respondents 2 to 4 herein have not submitted any document to show that they are the legal heirs of the first respondent. He further contended that the trial Court without considering the objections raised by the petitioner allowed the impugned application.

5. The order impugned shows that respondents 2 to 4 have filed the death certificate issued by the Registrar of Birth and Deaths, Municipal Corporation, Rajahmundry. They also filed their Aadhar Cards showing that they are the wife and two sons of the deceased complainant. However, considering the facts and circumstances of the case, the trial Court is directed to hear the petitioner regarding the validity of

respondents 2 to 4 to prosecute the case against the petitioner and also to verify whether they are the legal heirs of the deceased complainant supported by the documentary evidence and after satisfying itself that respondents 2 to 4 are the legal heirs of the deceased complainant, it can proceed in accordance with law.

6. With the above direction, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

12th October, 2015

sj