

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.Nos.1679 and 1680 of 2016
and
Crl.M.P.Nos.13890 and 13891 of 2016

K.V.S.Dinakaravasan

... Petitioner in both revisions

vs.

Bhanupriya

... Respondent in both revisions

Criminal Revisions filed under Section 397 and 401 Cr.P.C. against the orders of learned I Additional Sessions Judge, Vellore, passed in Crl.M.P.Nos.126 and 127 of 2015 in C.A.Nos.40 and 41 of 2012 on 30.09.2016 respectively.

For Petitioner : Mr.M.Rajendiran
For Respondent : Mr.M.Sathish Kumar

C O M M O N O R D E R

These revisions arise against the orders of learned I Additional Sessions Judge, Vellore, passed in Crl.M.P.Nos.126 and 127 of 2015 in C.A.Nos.40 and 41 of 2012 on 30.09.2016.

2. Respondent's husband has filed private complaints against petitioner before learned Judicial Magistrate, Fast Track Court, Vellore, alleging offence u/s.138 of the Negotiable Instruments Act and the same were taken on file in C.C.Nos.343 and 344 of 2011. On completion of trial, under judgments dated 02.02.2012, petitioner/accused was convicted and sentenced to 1 year S.I. and fine of Rs.3,000/- in each case. There against, petitioner preferred appeals in C.A.Nos.40 and 41 of 2012 on the file of learned I Additional Sessions Judge, Vellore. Pending appeals, respondent's husband died on 12.08.2014. Hence, respondent filed Crl.M.P.Nos.126 and 127 of 2015 in C.A.Nos.40 and 41 of 2012 towards impleading herself and three others as legal heirs of the deceased complainant. Court below, under the impugned orders, allowed such petitions. Aggrieved, petitioner/accused has preferred the present revisions.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. In allowing the petitions, the Court below has informed that though the respondent has filed the petitions u/s.395 Cr.P.C. instead of 394 Cr.P.C., it would not be reason enough to dismiss the petitions. The contention of petitioner/accused that the respondent has not filed any document to substantiate the claim that they are legal heirs of the complainant has been rejected by Court below on the reasoning that a legal heir certificate obtained from Revenue Authorities is not an authenticated document, which is to be recognized by Court. Further, the legal heir certificate will be issued by concerned authorities only on the basis of information given by respondent and hence, non-production of legal heir certificate does not affect the case. Moreover, petitioner/accused, in the counters, has not raised any objection to the effect that the proposed parties are not legal heirs of the deceased complainant. This Court finds no error in the orders under challenge.

The Criminal Revision Petitions are dismissed. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

The I Additional Sessions Judge,
Vellore.

+1cc to Mr.M.Sathish kumar, Advocate Sr.2023

Cr1.R.C.Nos.1679 and 1680 of 2016

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srg 6/2/2017