

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21..12..2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Criminal Appeal No.1742 of 2003

A.Ashok Raj

... Appellant/Complainant

-Versus-

1.Gangachalam
2.Veeramuthu (died during trial)
3.Subramaniyan
4.Perumal
5.Kalaiselvan (died during trial)

... Respondents/Accused

Appeal filed under Sections 378 of Cr.P.C. against the order of acquittal recorded on 25.08.2003 in C.C.No.38 of 1995 by the learned District Munsif cum Judicial Magistrate, Tittagudi, Cuddalore District.

For Appellant : Dr.A.E.Chelliah,
Senior Counsel for
Mr.M.V.Karunakaran

For Respondents : No Appearance for R1, R3 & R4

Mr.R.Sekar, Government Advocate,
for Sub Inspector of Police,
Ramanatham Police Station,
Cuddalore.

JUDGEMENT

This appeal is at the instance of the victim against the order of acquittal of the accused dated 25.08.2003 made in C.C.No.38 of 1995 by the learned District Munsif cum Judicial Magistrate, Tittagudi, Cuddalore District.

2. The above said calendar case was instituted on a private complainant. The appellant is the complainant and the respondents are the accused. The learned Magistrate had taken cognizance of offences punishable under Sections 500, 505, 506, 109 r/w 34 of IPC. After full trial, the learned Magistrate, by order dated 25.08.2003 acquitted the respondents. Aggrieved by

the same, the complainant is before this court with this criminal appeal.

3. Today, when the appeal came up for hearing, Mr.M.Chinnasamy, Sub Inspector of Police, Ramanatham Police Station, Cuddalore District, filed a memo through the Government Advocate (Criminal Side) stating that the complainant - Ashokraj died on 03.01.2017. A Xerox copy of the death certificate dated 19.01.2017 has also been filed in support of the memo. The said memo is recorded. The learned counsel for the appellant while conceding the above position, submitted that the appeal may be dismissed as abated.

4. In the result, this criminal appeal is dismissed as abated as the sole appellant had died.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

1. The District Munsif cum Judicial Magistrate, Tittagudi, Cuddalore District.
2. The Inspector of Police, Ramanatham Police Station, Cuddalore District.
3. The Public Prosecutor, High Court, Madras-104

Copy to
The Section Officer,
Criminal Section,
High Court, Madras-104

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SV(CO)
CS/13/02/18