

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1106 of 2013

S.Kalavathy

... Appellant

Vs.

1. The Director General of Police,
Mylapore,
Chennai - 600 004.

2. The Superintendent of Police,
Namakkal District,
Namakkal.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 02.01.2013 in W.P. No. 955 of 2009 on the file of this Court.

W.P.955/2009:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of certiorarified Mandamus calling for the records relating to the 1st respondent's order made in Rc.No.2186199/Con.3(1)/05 dated 18.5.2007 and quash the same and consequently direct the respondent to settle all terminal benefits forthwith.

For Appellant : Mr. V. Bhiman

For Respondents: M/s. A. Sri Jayanthi,
Spl. Government Pleader
for R1 & R2

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

This appeal is preferred against the order of the learned Single Judge who declined to interfere with the order impugned, passed by the respondent authorities, on the ground that the conviction rendered by the Trial Court against her husband attained finality.

2. The learned counsel appearing for the appellant would submit that in respect of similarly placed accused who filed an appeal along with the appellant, orders of acquittal have been passed, while affirming as against A1 on the ground that he stands on a different footing.

3. We are not inclined to accept the said submission made by the learned counsel for the appellant. Admittedly, the appeal filed by the husband of the appellant got abated. In law, there cannot be any prohibition for the appellant to substitute herself in his place and continue the appeal thereafter. Be that as it may, we can only give liberty to the appellant to file appropriate application in the appeal, which has already been disposed of, seeking appropriate orders on the basis of acquittal rendered to other similarly placed accused. Upon order being passed, the appellant can always approach this Court for consequential orders.

4. In view of the above, this appeal is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ssm

To

1. The Director General of Police,
Mylapore,
Chennai - 600 004.

2. The Superintendent of Police,
Namakkal District,
Namakkal.

+1 CC to The Govt. Pleader sr 85104.

+1 CC to Mr.V. Bhiman, Advocate sr 84285.

W.A. No. 1106 of 2013

RGN (CO)
SP (12/12/2018)