

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.218 of 2011

Selvam @ Thavakalai Selvam

.. Appellant

Vs

State by
Inspector of Police,
NIB CID, Chennai,
Chennai District.

.. Respondent

Criminal Appeal filed under Section 374(2) of Cr.P.C. against the judgment dated 07.03.2011 passed by the I Addl. Special Court under NDPS Act, Chennai in C.C.No.96 of 2007 convicting the appellant/accused under Section 8(c) r/w.21(c) and 29 of NDPS Act, 1985 amended by Act 9/01. A-1 is convicted and sentenced to undergo for a period of 5 years R.I. and to pay a fine of sum of Rs.50,000/- default to undergo RI for 6 months.

For Appellant : Mr.R.Rajan

For Respondent : Mr.G.Ramar, GA (Crl. Side)

J U D G M E N T

On 04.12.2018, this Court passed the following order :

"When the matter was taken up for hearing, the learned Government Advocate submitted that the appellant Selvam alias Thavakalai Selvam (A1) died on 23.05.2017. In this case, the trial Court has convicted Selvam alias Thavakalai Selvam (A1)/ appellant herein and Mayapandi (A2) and sentenced them to undergo five years rigorous imprisonment. Therefore, the trial Court would not have suspended the sentence under Section 389(3) Cr.P.C. Either Mayapandi (A2) would have undergone the sentence or should have subsequently filed an appeal before this Court.

2.Mr.G.Ramar, learned Government Advocate (Crl.side) and the Registry are directed to verify as

to whether any appeal has been filed by Mayapandi (A2) challenging the conviction and sentence in C.C.No.96 of 2007, passed by the I Additional Special Court, NDPS Act Cases, Chennai, in NIB CID Crime No.65 of 2007.

Post the matter on 07.12.2018, under the caption "for orders".

2.On verification, the Registry has reported that Mayapandi (A2) filed Crl.A.No.224 of 2011, which has been allowed by a learned Single Judge of this Court on 09.08.2011, setting aside the conviction and sentence.

3.In view of the fact that Selvam alias Thavakalai Selvam (A1) is dead and his legal heirs have not come forward to file any application for prosecuting the appeal, this appeal stands abated.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gya

To

1. I Addl. Special Court under NDPS Act, Chennai.
2. Inspector of Police, NIB CID, Chennai, Chennai District.

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CS/09/01/2019

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