

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1444 of 2013

Kittusamy

...Petitioner/PW1

Vs.

1. State represented by
The Inspector of Police
Kundadam Police Station
Erode District.
Crime No.132/2000

... 1st Respondent/Claimant

2. Thirumathal

... 2nd Respondent/Accused

Prayer: The Criminal Revision filed under Section 397 and 401 of Code of Criminal Procedure to call for the records pertaining to the judgment dated 16.04.2007 made in C.C.No.51 of 2004 on the file of the Judicial Magistrate, Dharapuram, Erode District, and to set aside the same and convict the accused.

For Petitioner : Mr.S.Periyaswami

For Respondents : Mr.R.Ravichandran
Govt. Adovate (Crl.Side) for R1

: Mr.A.K.Sridharan for R2

ORDER

This criminal revision has been filed by the defacto complainant to set aside the judgment of acquittal dated 16.04.2007 passed by the Judicial Magistrate, Dharapuram, Erode District in C.C.No.51 of 2004.

2 The learned Government Advocate (Crl.Side) would submit that during the pendency of the revision, the revision petitioner/PW1 died and he has produced death certificate of the revision petitioner, which reveals that the revision petitioner died on 17.08.2010, i.e. even before the criminal revision was

taken on file.

3 Originally, the revision was filed in the year 2007 with a miscellaneous petition seeking to condone the delay of 27 days in filing the revision. Subsequently, even during pendency of the miscellaneous petition, the revision petitioner died, but, this fact had not been brought before this Court and this Court allowed the miscellaneous petition by order dated 19.11.2013 and therefore the revision was taken on file and the matter is pending for more than a decade.

3 The learned counsel for the petitioner seeks time to get instruction. This Court is of the view that adjourning the matter would not serve any purpose, since, the learned counsel for the petitioner has not taken any steps to bring the legal heirs of the deceased revision petitioner for more than a decade, which shows that the legal heirs of the deceased revision petitioner does not have any interest to continue the proceedings.

4 Hence, the criminal revision is dismissed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Dharapuram, Erode District.
2. The Public Prosecutor, High Court of Madras.
3. The Inspector of Police, Kundadam Police Station, Erode District.

Crl.R.C.No.1444 of 2013

NRJK (CO)

GMV (19/11/2018)