

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.07.2018

CORAM :

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

Crl.A.No. 394 of 2009

V.Ramasamy Gounder

.. Appellant

Vs.

K.Varudarajan

..Respondent

Prayer: Criminal Appeal is filed under Section 378 Cr.P.C., to call for the records dated 15.04.2009 in C.C.No.1658 of 2007 on the file of the Judicial Magistrate, Rasipuram, Namakkal District, set aside the said judgement and punish the respondent for the offence under Section 138 of Negotiable Instruments Act.

For Appellant : Mr.P.Jagadeesan

For Respondent : Mrs.Sumithra Vasudevan

JUDGMENT

This criminal appeal has been filed to set aside the Judgment dated 15.04.2009 made in C.C.No.1658 of 2007 on the file of the learned Judicial Magistrate, Rasipuram.

2. When the matter was taken up for hearing on 16.03.2018, it was represented by the learned counsel for the appellant that the appellant has died. Thereafter, inspite of repeated adjournments on the side of the appellant, no steps have been taken for impleading the legal representatives of the appellant and when the matter was called on 27.06.2018, there was no representation on the side of the appellant. Hence, the matter directed to be posted under the caption 'For Dismissal' on 06.07.2018. Accordingly, the matter was listed on 06.07.2018 under the caption 'For Dismissal'.

3. Today, when the matter is taken up for hearing, learned counsel for the appellant and learned counsel for the respondent are present. However, no steps have been taken to implead legal representatives of the deceased.

4. Hence, this Court is of the considered view that since no legal representatives were impleaded, the appeal is dismissed with liberty to file a fresh petition to recall this order, after getting particulars about the deceased to implead them as legal representatives of the appellant within 3 months. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

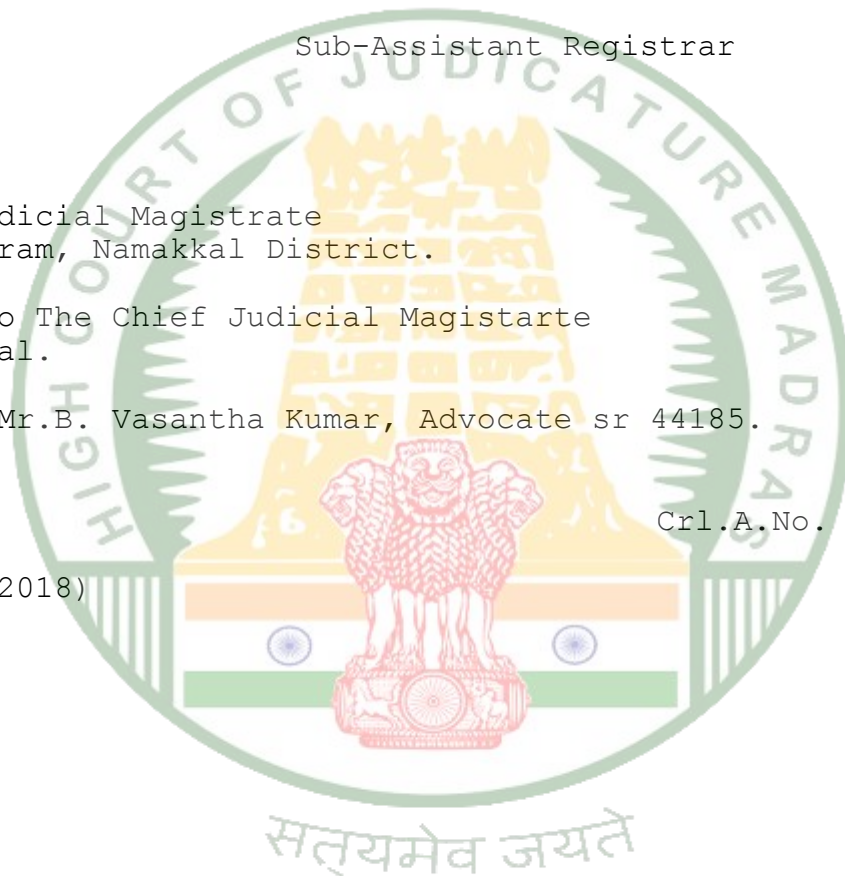
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To

1. The Judicial Magistrate
Rasipuram, Namakkal District.
 2. Do Thro The Chief Judicial Magistarte
Namakkal.
- +1 CC to Mr.B. Vasantha Kumar, Advocate sr 44185.

Cr1.A.No. 394 of 2009

SP(23/07/2018)



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