

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13397 of 2017

IN CRL A.654/2011

R. JADYAN

[PETITIONER]

Vs

DEPUTY SUPERINTENDENT OF
POLICE, CBI/SCB/CHENNAI.
CR.NO.RC3/(S)/95.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to pass an order of abatement of charges due to death of above said petitioner/appellant and dismissed the appeal in so far as the petitioner/appellant No.1/Accused No.117 in Crl.A.No.654 of 2011.[CRL.MP.NO.13397/2017]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.GANDHI KUMAR, Advocate for the petitioner and of MR.K.SRINIVASAN SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

The petition has been filed to record abatement of the appeal with regard to A-117, who is the 1st Appellant in Crl.A.No.654 of 2011, in view of his death. To substantiate the claim, the legal heir of the 1st appellant R.Jadayan filed a copy of the death certificate of R.Jadayan issued by the Village Administrative Officer, Sittheri, Pappireddipatti dated 27.07.2013, stating that the appellant passed away on 30.03.2013.

2. The learned Special Public Prosecutor for CBI Cases would submit that only a Xerox copy of the death certificate has been filed and it is subject to verification.

3. The learned counsel for the petitioner, at this juncture would submit that the wife of the appellant has filed an affidavit stating that her husband R.Jadayan S/o. Mattukara Raman who has been arrayed as A-117 and the 1st appellant in Crl.A.No.654 of 2011 had expired on 30.03.2013 and that she had filed the affidavit seeking recording of abatement of the appeal with regard to A-117, so that she may be able to avail the terminal service benefits of her husband from the Government.

counsels and taking into consideration the copy of the death certificate and the affidavit filed by the legal heir of R.Jadayan, the abatement of appeal in Crl.A.No.654 of 2011 in respect of the 1st appellant alone who is Accused No.117 in S.C.No.1 of 2008 on the file of the Special Judge and Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989, Dharmapuri) is recorded.

5. In the result, Crl.A.No.654 of 2011 in respect of the 1st appellant stands abated.

-sd/-

04/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE AND
SPECIAL COURT OF SCHEDULED CASTE
AND SCHEDULED TRIBES[PREVENTION OF ATROCITIES
ACT1989,DHARMAPURI]

2 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES

3 DEPUTY SUPERINTENDENT OF
POLICE, CBI/SCB/CHENNAI.
CR.NO.RC3/(S)/95.

+1 C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO. 16717

सत्यमेव जयते
Order

in
CRL MP.13397/2017

in
CRL A.654/2011

Date :04/09/2018

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RD 24/09/2018