

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

Crl.A.No.224 of 2013

S.Ramachandran

... Appellant

Vs.

G.K.Ramesh

... Respondent

Prayer: Criminal Appeal is filed under Section 378(4) of the Code of Criminal Procedure against the Judgment of acquittal made in Crl.A.No.147 of 2010 dated 29.10.2011 on the file of the learned VII Additional Sessions Judge, Chennai, reversing the Judgment of conviction made in C.C.No.2062 of 2007 dated 11.08.2010 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Appellant : Mr.P.Gunaraj

JUDGMENT

This appeal has been preferred against the Judgment made in Crl.A.No.147 of 2010, dated 29.10.2011 by the learned VII Additional Sessions Judge, Chennai, by which the learned Judge reversed the Judgment and conviction made in C.C.No.2062 of 2007 dated 11.08.2010 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

2.Though the Magistrate Court had convicted the accused, i.e., the respondent herein, for the offence punishable under Section 138 of the Negotiable Instruments Act, on appeal, the first appellate Court has reversed the said Judgment and acquitted the accused.

3.As against the said Judgment of the first appellate Court, the present appeal has been filed by the appellant, who is the complainant, against the respondent, who is the accused.

4.Today, when the case is taken up for hearing, the learned counsel appearing for the appellant has filed a Memo which reads thus:

"The Appellant above named begs to submit as follows:

1.The Appellant submitted that he had filed the Crl.Appeal No.224 of 2013 pending on the file of the High Court of Judicature, Madras. In the meantime, the respondent G.K.Ramesh died in the year of 2017 itself.

The appellant therefore prays that this Hon'ble Court may be pleased to record this memo and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 6th day of February, 2018.

Counsel for Appellant/
Respondent/Complainant"

5.Since the respondent/accused died already, the appeal cannot be proceeded further and the appeal against the respondent/accused has become abated.

Therefore, recording the aforesaid fact, this Criminal Appeal is dismissed as abated against the respondent/accused.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

mps

To

1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2.do thro the Chief Metropolitan Magistrate,
Egmore, Chennai.

3.The VII Additional Sessions Judge,
Chennai.

4.Do Thro The Principal Sessions Judge,
Chennai.

Crl.A.No.224 of 2013

MG(CO)
GN(20/03/2018)