

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.9083 of 2018

IN CRL A.671/2011

JANAKIRAMAN

[PETITIONER]

Vs

1 THE STATE REP BY ITS, [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/SCB/CHENNAI
CR.NO.RC3/(S)/95)

Petition praying that in the circumstances stated therein the High Court will be pleased to abatement of charges due to death of above said petitioner/appellant and dismissed the Appeal No.671 of 2011 in so far as the Petitioner/Appellant/Accused No.152 if concerned.

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 by the legal heir of the appellant to record abatement of the appeal with regard to A-152, who is the 17th Appellant in Crl.A.No.671 of 2011, in view of his death. To substantiate the claim, the petitioner has filed a copy of the death certificate issued by the Municipal Authority dated 23.11.2017, stating that the appellant passed away on 18.11.2017.

2. Ms.Brinda Ramesh, representing for CBI 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 Janakiraman S/o. Veerasamy Naidu who has been arrayed as A-152 and the 17th appellant in Crl.A.No.671 of 2011 had expired on 18.11.2017 and that she had filed the affidavit seeking abatement of the appeal with regard to A-152, so that she may be able to avail the terminal service benefits from the Government.

4. Taking into consideration the submissions made by the learned counsels and taking into consideration the affidavit filed by the legal heir of Janakiraman, the abatement of appeal in Crl.A.No.671 of 2011 in respect of the 17th appellant alone who is Accused No.152 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.671 of 2011 in respect of the 17th appellant stands abated.

-sd/-

27/08/2018

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 PRINCIPAL SESSIONS JUDGE
SPECIAL COURT OF SC/ST [PREVENTION OF
ATROCITIES ACT 1989, DHARMAPURI

2 THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE 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. 16049

Order

in
CRL MP.9083/2018

in
CRL A.671/2011

Date :27/08/2018

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