

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of October Two Thousand Eighteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13876 of 2018

IN CRL.A.NO.659 of 2011

S.PONNUSAMY (DIED) 4TH APPELLANT/A268
S/O SUBBU (RTD REVENUE INSPECTOR)

1 RAJAMMAL [PETITIONERS]
2 P.RATHNA
3 JAYANTHI
4 PARIMALAM
5 VENKATARAMAN
6 JOTHILAKSHMI

Vs

STATE REPRESENTED BY, [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
CBI SEP MADRAS.
CR. NO. RC3/S OF 1995.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an abatement order in respect of S.Ponnusamy (A268) in Crl.A No. 659 of 2011 against S.C.No. 1 of 2008 On the file of Special Judge for SC And ST Prevention of Atrocities act 1989, Dharmapuri.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. D.RAJAGOPAL, Advocate for the petitioners, and of MR.K.SRIVIVASAN, Spl. Public Prosecutor for CBI-cases, on behalf of the Respondent the court made the following order:-

The petition has been filed by the legal heirs of the appellant to record the abatement of the appeal with regard to A-268, who is the 4th appellant in Crl.A.No.659 of 2011, in view of his death. So as to enable the petitioners to get the settlement benefits from the employer. To substantiate the claim, the petitioner has filed the copy of the death certificate issued by the Municipal Authority dated 28.08.2018, stating that the appellant passed away on 15.08.2018 and had also filed the copy of the legal heir certificate dated 01.09.2018 issued by the revenue authorities.

2. The learned counsel for the petitioners would submit that the son of the appellant has filed an affidavit on his behalf and on behalf of the other legal heirs stating that his father S.Ponnusamy S/o Subbu who has been arrayed as A-268 and the 4th appellant in Crl.A.No.659 of 2011 had expired on 15.08.2018 and that he had filed the affidavit seeking abatement of the appeal with regard to A-268, so that he may be able to avail the terminal service benefits from the Government.

3. Mr.K.Srinivasan, Special Public Prosecutor for CBI would submit that the respondent has verified and confirmed about the death of the appellant.

4. Taking into consideration, the submissions made by the learned counsels and taking into consideration the affidavit filed by the legal heirs of S.Ponnusamy, the abatement of appeal in Crl.A.No.659 of 2011 in respect of the 4th appellant alone who is Accused No.268 in S.C.No.1 of 2008 on the file of the learned Special Judge and Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989, Dharmapuri) is recorded .

5. In the result, Crl.A.No.659 of 2011 in respect of the 4th appellant stands abated.

-sd/-
30/10/2018

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 FOR
SC & ST PREVENTION OF ATROCITIES ACT 1989.
DHARMAPURI.

2 THE PRINCIPAL SESSIONS JUDGE,
DHARMAPURI/SPECIAL COURT OF SCHEDULED CASTE AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES) ACT 1989.

3 THE SPECIAL PUBLIC PROSECUTOR,
FOR CBI, CASES
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
CBI SEP, MADRAS.

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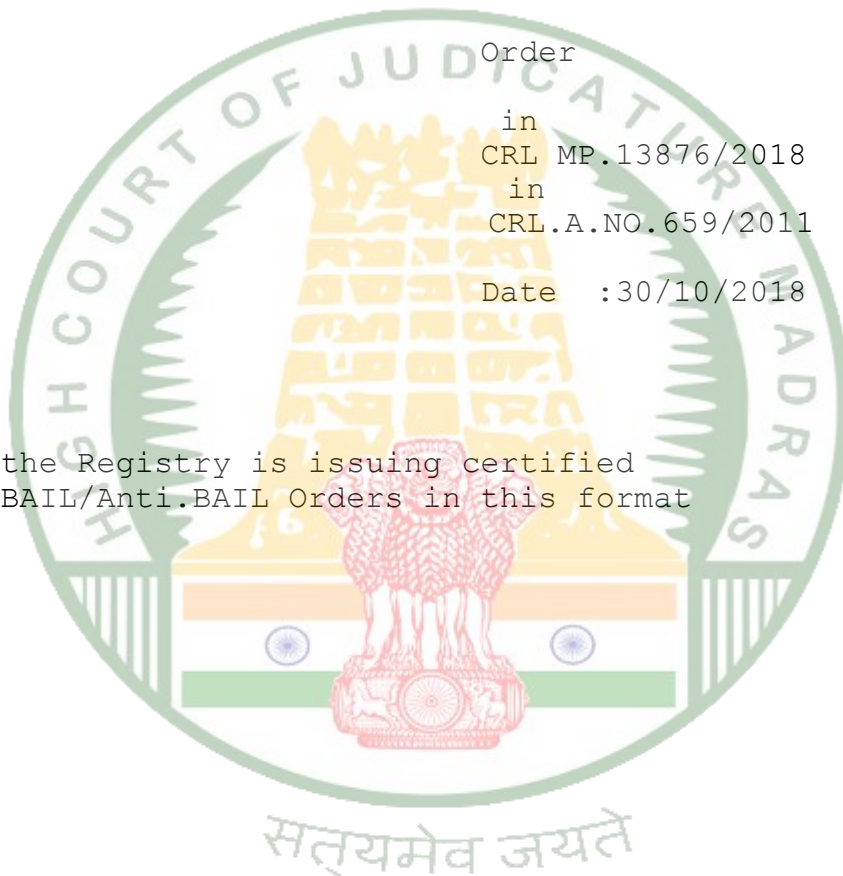
THE SECTION OFFICER,
CRIMINAL SECTION
HIGH COURT, MADRAS.

+1 C.C. to M/S. D.RAJAGOPAL Advocate on payment of necessary
charges SR.NO.20594 CS-1

Order
in
CRL MP.13876/2018
in
CRL.A.NO.659/2011
Date :30/10/2018

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