

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of March Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.3167 of 2019

IN CRL.A.NO.660 of 2011

K.GUNASEKARAN

[PETITIONER/7TH APPELLANT
ACCUSED NO.97]

Vs

STATE OF TAMILNADU REP. BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/SEP MADRAS.
(CR.NO.RC.3/(S) OF 1995)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to prayed that may be pleased to dismiss the above appeal as charges abated in so far as the 7th appellant the petitioner is concerned in CA No.660 of 2011.

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.M.DEVARAJ, Advocate for the petitioner, and of MR.K.SRIVIVASAN, Spl. Public Prosecutor for CBI-cases, on behalf of the Respondent, the court made the following order:-

The criminal miscellaneous petition has been filed to record abatement of the appeal with regard to A-95, who is the 7th appellant in Crl.A.No.660 of 2011, in view of his death.

2. The learned counsel for the petitioner, would submit that the legal heirs of K.Gunasekaran S/o.Kandasamy have filed this petition seeking abatement of the appeal with regard to A-95, who is the 7th appellant in Crl.A.No.660 of 2011, so that they may be able to avail the terminal service benefits from the Government. To substantiate the said claim, the learned counsel filed a copy of the death certificate issued by the Salem Corporation, Salem, dated 02.11.2017, stating that the appellant passed away on 27.10.2017.

3. Mr.K.Srinivasan, learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that only Xerox copy of the death certificate has been filed and it is subject to verification.

4. Taking into consideration the submissions made by the learned counsel the abatement of appeal in Crl.A.No.660 of 2011 in respect of the 7th appellant, who is Accused No.95 in S.C.No.1 of 2008, dated 29.9.2011 on the file of the Principal Sessions Judge, Dharmapuri, is recorded.

5. In the result, Crl.A.No.660 of 2011 in respect of the 7th appellant alone stands abated.

-sd/-
01/03/2019

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, DHARMAPURI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBI/SEP MADRAS.

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

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.DEVARAJ Advocate on payment of necessary
charges SR.NO.4325

सत्यमेव जयते
Order

in
CRL MP.3167/2019
in
CRL.A.NO.660/2011

Date :01/03/2019

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TA-13/03/2019