

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.454 of 2016

K.R.Kandhasamy

...Petitioner/Respondent/Accused

Vs.

S.R.Nachimuthu gounder (Died)
S.Sasikumar

...Respondent/Petitioner/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order passed by the learned Judicial Magistrate, Sathyamangalam, in Crl.M.P.No.621 of 2015 in S.T.C.No.212 of 2012 dated 09.12.2015.

For Petitioner : Mr.V.S.Kesavan

For Respondent : Mr.V.Rajamohan

O R D E R

This Criminal Revision has been filed against the order passed by the learned Judicial Magistrate, Sathyamangalam in Crl.M.P.No.621 of 2015 in S.T.C.No.212 of 2012 dated 09.12.2015.

2. The revision petitioner is the accused and the respondent is the complainant. The respondent has filed the private complaint under Section 200 Cr.P.C. before the learned Judicial Magistrate, Sathyamangalam and the same was taken on file in S.T.C.No.212 of 2012. During the pendency of the trial, the said complainant Nachimuthu Gounder died. Therefore, the present respondent one Sasikumar filed a petition to substitute him as the complainant and permit him to prosecute the case, in order to support his claim, he filed a copy of the registered a Will dated 04.11.2013 executed by the said Late Nachimuthu Gounder. Though the Will shows that the present respondent is the beneficiary of the Will and based on the C.M.P.No.621 of 2015 to implead the respondent and that was allowed by the learned Magistrate. Against which the revision petitioner/accused has filed the present revision before this Court.

3. The learned counsel for the petitioner would submit that there are other legal heirs available for the said Nachimuthu Gounder. They have not impleaded as respondents and they have not filed any petition to implead them and to proceed the case. Therefore, the order passed by the learned Magistrate does not warrants any interference.

4. Heard the learned counsel for the petitioner and perused the materials available on records.

5. On a perusal of the order, it is seen that the learned Magistrate has clearly stated that the said Nachimuthu Gounder executed the registered Will and the copy of the Will has been produced by the proposed respondent herein and shown him as a beneficiary. Therefore, the learned Magistrate has granted leave to proceed with the present respondent. Admittedly, the said Nachimuthu Gounder filed the complaint against the revision petitioner and during the pendency of the trial, he died. However, the said Nachimuthu Gounder executed the Will in favour of the present respondent Sasi Kumar. Therefore, the present respondent Sasi kumar filed a petition in Crl.M.P.No.621 of 2015 seeking to proceed the complaint against the revision petitioner. The trial Court has rightly allowed the petition based on the Will executed by the Nachimuthu Gounder. This Court finds there is no perversity in the order passed by the learned Magistrate and finds no merits in the revision filed by the accused/revision petitioner.

6. In the result, the Criminal Revision Case is dismissed. The complaint filed in the year of 2012. Hence, the learned Magistrate is directed to dispose of the complaint in S.T.C.No.212 of 2012 within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

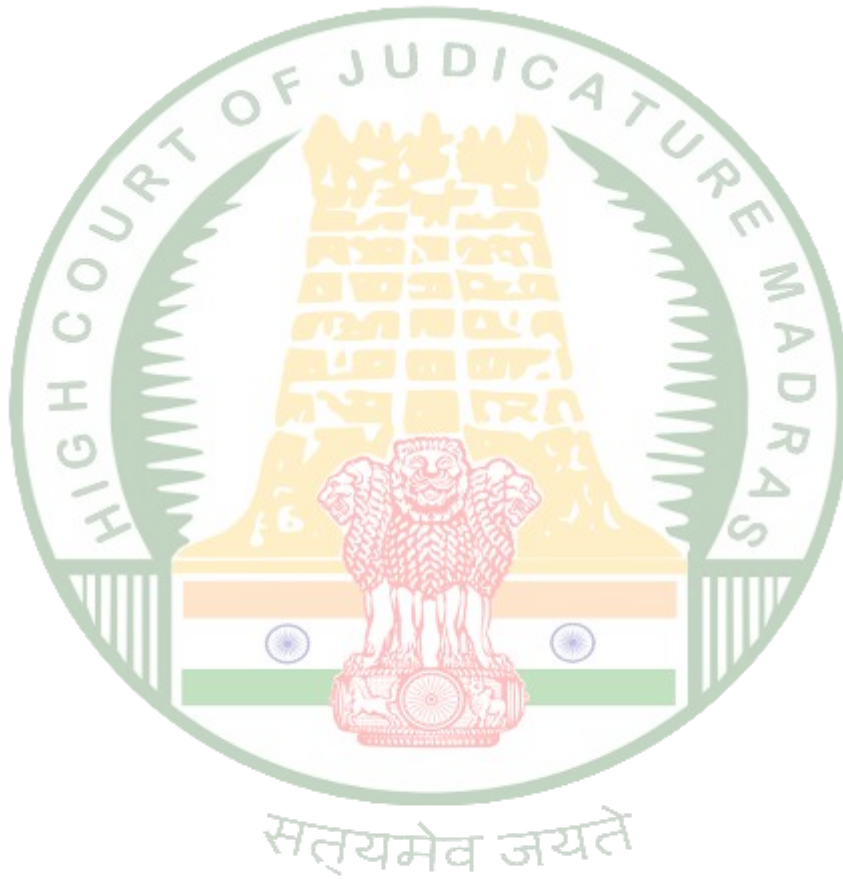
The Judicial Magistrate, Sathyamangalam.

+1cc to Mr.V.S.Kesavan, Advocate sr.no.32508

+1cc to Mr.V.Raja Mohan, Advocate sr.no.32389

Cr1.R.C.No.454 of 2016

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