

CRL.MP.No.8838 of 2019
in
Criminal Appeal No.330 of 2015

P.VELMURUGAN. J

This Criminal Miscellaneous petition has been filed to seek permission to prosecute the appeal on behalf of the deceased appellant.

2. One Mukanchand Bothra filed a private complaint under Section 200 Cr.P.C for the offence under Section 138 of the Negotiable Instruments Act before the learned IV Metropolitan Magistrate, George Town, Chennai and the same was taken on file in C.C.No.473 of 2013. The learned Magistrate, after completing trial, found that the complainant has not proved his complaint and dismissed the complaint on 11.05.2015. Challenging the said judgment, the complainant has filed the present appeal before this Court.

2. During the pendency of the appeal, the sole appellant/complainant died on 17.04.2019. The present petitioner is the son of the appellant sought permission to proceed the appeal on behalf of the appellant.

3. Since the offence is under Section 138 of the Negotiable Act, the legal heirs of the complainant can proceed the case further.

4. In such circumstances, this Criminal Miscellaneous Petition is allowed and the petitioner is permitted to proceed the appeal further.

12.07.2019

KMI

Note: Registry is directed to carry out the necessary amendment.

P.VELMURUGAN. J

KMI



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