



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

Crl.R.C(MD)No.307 of 2014

and

M.P. (MD) .No.1 of 2014

M.A.M.Joseph

... Petitioner /
Respondent/Accused(Single)

Vs.

M.Rathinam

... Respondent/Petitioner/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in Cr.M.P.No.1588 of 2014 in C.C.No.191 of 2013 vide his order dated 28.04.2014 and set aside the same.

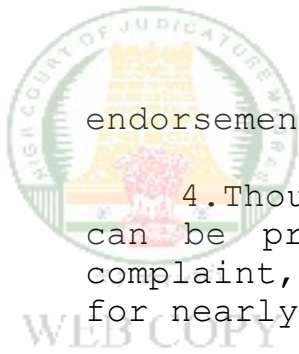
For Petitioner : Mr.R.Anand
For Respondent : Mr.M.P.Senthil

ORDER

This Criminal revision case has been filed as against the order passed by the learned Judicial Magistrate, Valliyoor, Tirunelveli District in Cr.M.P.No.1588 of 2014 in C.C.No.191 of 2013 vide order, dated 28.04.2014.

2.By the order impugned, the learned Judicial Magistrate has enquired for the offences punishable under Section 420 IPC as against this petitioner and posted for framing of charges. The proceedings in C.C.No.191 of 2013 is on account of a private complaint initiated under Section 138 of Negotiable Instrument Act, by the respondent herein.

3.Today (ie., 16.09.2019), when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the complainant/sole respondent is no more and he is advised to withdraw the petition and therefore, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition and he has also made an



endorsement to that effect.

4.Though the complainant/sole respondent died, the complaint can be prosecuted by the legal heirs of the complainant. The complaint, which was instituted in the year 2013 has been delayed for nearly six years.

5.In view of the endorsement made by the learned counsel appearing for the petitioner, this criminal revision case is dismissed as withdrawn. However, this Court directs the learned Judicial Magistrate, Valliyoor, to issue notice to the legal heirs of the complainant / sole respondent and if they intend to proceed with the complaint, the trial Court is directed to complete the trial as expeditiously as possible. Consequently, the connected M.P.(MD).No.1 of 2014 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

vsg

To

1.The Judicial Magistrate,
Valliyoor,
Tirunelveli District.

2. The Record Keeper,-2 copies
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.R.C (MD)No.307 of 2014
16.09.2019

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