

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.A.No.392 of 2013

Nageswarar Rao

...Appellant/Accused

-Vs-

The State rep by its
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.

... Respondent/Complainant

Prayer: Criminal Appeal filed under section 374(2) of Criminal Procedure Code, to call the the records pertaining to the judgment dated 25.09.2012 passed by the Sessions Judge, Mahila Court, Chennai, in S.C.No.467 of 2010 and set aside the same.

For Appellant : Ms.H.Kalpana
For Respondent : Mr.C.Ravichandran
Government Advocate,
(Criminal Side)

JUDGMENT

This Criminal Appeal has been filed under section 374(2) of Criminal Procedure Code, to call the the records pertaining to the judgment dated 25.09.2012 passed by the Sessions Judge, Mahila Court, Chennai, in S.C.No.467 of 2010 and to set aside the same.

2. In this matter, the accused/appellant had already been reported dead. Accordingly, the respondent police was directed to verify the same and produce the death certificate.

3. As directed by this Court, the learned Government Advocate, (Criminal Side) has produced the copy of the death certificate along with the affidavit of Mr.P.Ponraj, The Inspector of Police, G-3, Kilpauk Police Station, Chennai. In the affidavit, the deponent has confirmed the death of the accused Nageswara Rao as having died on 23.10.2015 at Garimenapenta Village, Kondapuram Post, SPSR, Nellore District, Andhra Pradesh vide Registration No.32 dated 27.10.2015. The copy of the death certificate has also enclosed along with the affidavit of the Inspector of Police, G3, Kilpauk Police Station, Chennai.

4. As provided under section 394 of CrPC, no application has been preferred by the LRs of the deceased accused to continue with the appeal within the time stipulated by law. In such view of the matter, the appeal has to be dismissed as abated.

5. In the light of the abovesaid factors, the copy of the death certificate of the deceased accused along with the affidavit of the Inspector of Police, G3, Kilpauk Police Station, Chennai as abovestated is recorded. In such view of the matter, the Criminal Appeal is dismissed as abated.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

mfa

To

1. The Sessions Judge, Mahila Court, Chennai.
2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai
4. The XIV Metropolitan Magistrate, Egmore, Chennai
5. The Public Prosecutor,
High Court, Madras.
6. The Metropolitan Magistrate, Egmore, Chennai
7. Do thro The Chief Metropolitan Magistrate
Egmore, Chennai

Copy to

The Section officer
Criminal Section
High Court, Madras 104.

+1 CC to Mr.P.G. Thiyaagu, Advocate sr 19123.

Cr1.A.No.392 of 2013

SV(CO)
SP(20/07/2020)