



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2020

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

CrI.A. (MD) No.191 of 2018

A.Muthu

... Appellant/Complainant

-vs-

1.Palanivel

2.Raju

3.Murali

4.Ramasamy @ Ponnusamy

5.State through the
Inspector of Police,
Andipatty,
Theni District.

... Respondents

PRAYER: Appeal filed under Section 379 r/w 401 of Cr.P.C to call for the records and set aside the judgment dated 26.06.2008 in S.C.No.90 of 2007 on the file of the Additional District and Sessions Judge (Fast Track Court), Periyakulam and allow this appeal and convict the respondent/accused.

For Appellant : Mr.S.Mahendrapathy

For Respondents : Mr.S.Thirupathy (for R1 to R3)

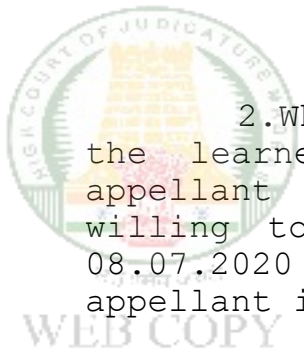
R4 : No appearance

Mr.R.Anandharaj
Additional Public Prosecutor (for R5)

J U D G M E N T

[Judgment of the Court was made by K.KALYANASUNDARAM, J.]

Heard Mr.S.Mahendrapathy, learned counsel for the appellant, Mr.S.Thirupathy, learned counsel for the respondents 1 to 3 and Mr.R.Anandharaj, learned Additional Public Prosecutor, for the 5th respondent.



2. When the criminal appeal is taken up for hearing today, the learned counsel for the appellant would submit that the appellant passed away on 21.03.2019 and his legal heirs are not willing to pursue the appeal. He has also filed a memo dated 08.07.2020 to that effect. A copy of the Death Certificate of the appellant is also produced before this Court.

3. In the light of the above submissions and also considering the fact that the appellant passed away during the pendency of the appeal and his legal heirs are not willing to pursue the appeal, the criminal appeal is dismissed as abated.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

skn/krk

To:

1. The Additional District and Sessions Judge,
(Fast Track Court),
Periyakulam.
2. The Inspector of Police,
Andipatty,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



4.The Record Keeper,
Criminal Records Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

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