



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2020

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and**

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Cr1.A.(MD) No.193 of 2018

Murugan

... Appellant/P.W.3

-vs-

1.State rep. By
Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

2.Barooq @ Barooq ali
@ Syed Mohamed Ali Barooq

3.Jahir @ Jahi Hassain

4.Abdul Rahman

5.Kani @ Mydeen Kan

6.Anees @ Anees Rahman

7.Alumi

8.Samsudeen

... Respondents

PRAYER: Appeal filed under Section 397 and 401 of Cr.P.C to set aside the order passed by the learned Additional District Judge-cum-Fast Track Court, Ramanathapuram in S.C.No.24 of 2005 dated 02.12.2005 against acquittal.

For Appellant : Mr.K.Kumaravel

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor (for R1)

Mr.T.Lajapathy Roy (for R2 to R7)

J U D G M E N T

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

When the criminal appeal is taken up for hearing today, Mr.K.Kumaravel, learned counsel for the appellant would submit that the appellant passed away on 23.04.2016 and thereafter, he is not

<https://hdservices.eajudis.gov.in/hdservices>



able to get any instruction. Mr.T.Lajapathy Roy, learned counsel for the respondents 2 to 7 also stated that the appellant is no more. A copy of the Death Certificate of the appellant is also produced by Mr.R.Anandharaj, learned Additional Public Prosecutor.

2.It is seen that this Court, on 10.08.2015, appointed Mr.S.Sulthan Basha to appear for the appellant. He also says that he does not have any instruction from the legal heirs of the deceased appellant.

3.In the light of the above submissions and also considering the fact that the appellant passed away during the pendency of the appeal, the criminal appeal is dismissed as abated granting liberty to the legal heirs to restore the appeal, if they are so advised.

Sd/-

Assistant Registrar (CrI.Side)

// 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.

To:

- 1.The Additional District Judge-cum-Fast Track Court,
Ramanathapuram
- 2.The Inspector of Police,
Kenikkarai Police Station, Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Record Keeper, (2 - Copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

CrI.A. (MD) No.193 of 2018

10.07.2020

krk / skn

<https://hcservices.ecourts.gov.in/hcservices/> 2P-6C