

Crl.M.P.No.10102 of 2021
in Crl.A.No.448 of 2012

C.V.KARTHIKEYAN,J.

The present petition has been filed by the son of the accused, since the accused had, unfortunately, died. Along with the present petition, death certificate of the accused has also been filed. It shows that the accused had died on 25.05.2018. Legal heir certificate has also been filed, along with the present petition, wherein the name of the present petitioner is shown as one of the sons.

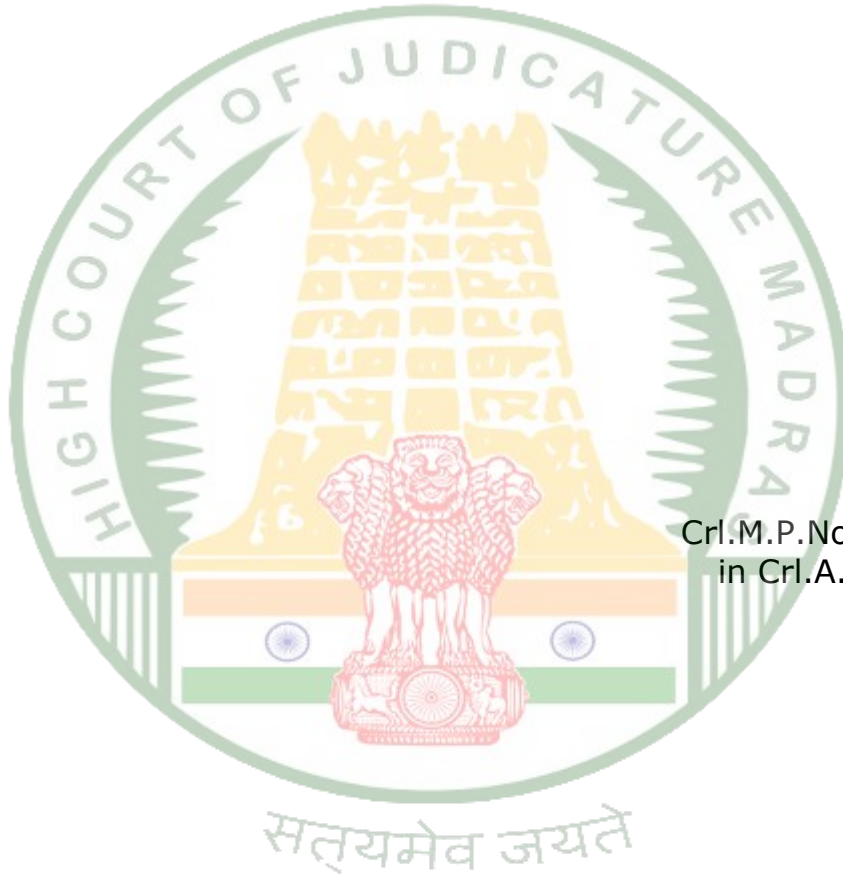
2. In view of the fact that, under Section 394 of Code of Criminal Procedure, on death of appellant, the appeal abates, but, the liberty is granted to substitute any relative to prosecute further the appeal. Such application must be filed within a period of thirty days.

3. The present petition has been filed to condone the delay. In view of the reasons advanced by the learned Counsel for the petitioner and the reasons stated in the affidavit, the present Criminal Miscellaneous Petition is allowed and the delay is condoned.

30.09.2021
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C.V.KARTHIKEYAN,J.

grs



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