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CrI.R.C.No.142 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C.No.142 of 2020

E.Mathivanan

... Petitioner

Versus

T.G.Shivarajan

... Respondent

Criminal Revision Case filed under Section 397 (1) of Cr.P.C, to set aside the Judgment passed in C.A.No.12 of 2018, dated 11.12.2019 by the II-Additional District and Sessions Judge, Vellore at Ranipet reversing the Judgment passed in C.C.No.85 of 2011, dated 09.05.2014, by the Judicial Magistrate No.II, Walajapet, Vellore District and acquit the appellant.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.R.Rajasekaran

ORDER

This case is covered by the Full Bench Judgment of this Court in ***K.Rajalingam Vs. Suganthalakshmi¹***. By virtue of the same, this Court passed an order on the last occasion, so as to enable the respondent/complainant to file an application for transposing himself as the appellant. But, however, today, when the matter came up for hearing, no representation for the respondent/complainant. The transpose application is



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not filed.

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2.The learned Counsel for the petitioner would submit that the petitioner in this case, *E.Mathivanan*, has since passed away, therefore, in view of the same, the Full Bench Judgment of this Court, the Lower Appellate Court Judgment in C.A.No.12 of 2018 has to be ignored as “*void ab initio*” and this Revision has to be converted as the appeal against the acquittal.

3.Since before conversion of this revision into appeal against the acquittal, the petitioner is died, nothing survives for further adjudication in this issue. Accordingly, the Criminal Revision Case is ordered to be closed.

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Index : yes/no

Speaking/Non-speaking order

klt

To

<https://www.mhc.tn.gov.in/judis>



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- 1.The II-Additional District and Sessions Judge, Vellore at Ranipet.
- 2.The Judicial Magistrate No.II, Walajapet, Vellore District.



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D.BHARATHA CHAKRAVARTHY, J.

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