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CRL.A.No.863 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.A.No.863 of 2016

The State represented by
The Public Prosecutor,
High Court, Madras.

... Appellant

Versus

P.Rajendran

... Respondent

PRAYER: Criminal Appeal filed under Section 378(1)(b) of Cr.P.C.
Against the judgment passed in Spl.C.C. No.17 of 2014 dated 26.04.2016
on the file of the Special Judge, (Special Court for Trial of Cases under
the Prevention of Corruption Act), Salem.

For Appellant : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For Respondent : Mr.M.Elango

ORDER

This Criminal Original Petition was filed to call for the entire
records in C.C. No.2493 of 2012 on the file of the Metropolitan
Magistrate Court, Egmore, Chennai and to quash the same.



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2.It is seen from records that the State filed Spl.C.C. No.17 of 2014 against the respondent/accused and the Special Judge, Special Court for Trial of cases under the Prevention of Corruption Act, Salem, by judgment dated 26.04.2016, acquitted the accused from offences under Sections 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and thereafter, the State filed this Criminal Appeal against the acquittal.

3.Now, it is submitted by the learned Additional Public Prosecutor appearing for the appellant that the respondent Rajendran passed away on 06.04.2021, in conformity to the same, produced the death certificate of the respondent dated 21.04.2021.

4.It is seen that every appeal filed under Section 377 or Section 378, shall finally abate on the death of the accused, as per Section 394(1) of the Code of Criminal Procedure 1973. Therefore, this Criminal Appeal filed under Section 378(1)(b) of Cr.P.C. stands abated on account of the



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death of the respondent and the same is liable to be dismissed as infructuous.

5. Recording the submission made by the learned Additional Public Prosecutor appearing for the appellant, this Criminal Appeal is dismissed as infructuous.

14.10.2022

vga

To

1. The Special Judge,
(Special Court for Trial of Cases
under the Prevention of Corruption Act),
Salem.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

vga

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